

E & P H (1947) Department

MS. SERIES.

G.O. NO. MS. 1256 P.H.

Dated 16-4-1948

[Despatch Abstract.]

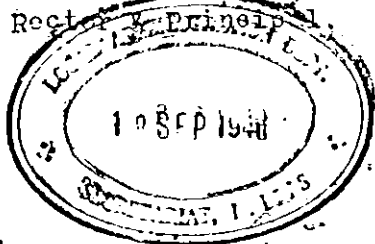
Licence - Mangalore Municipality construction of a cinema house near
St. Aloysius' College - Orders passed.



Rev. Jos. A. B. Coelho, S.J.,
Rect. & Principal

ST. ALOYSIUS' COLLEGE,
MANGALORE.

15th September, 1946.



The Minister,
Local Self Government,
Madras.

Through
The Secretary,
Local Self Government,
Government of Madras,
Madras.

04

Dear Sir,

I have the honour to submit as follows:-

I had filed a petition before the Commissioner, Mangalore Municipality, to request him not to erect a cinema theatre at the foot of the St. Aloysius College Road. But my petition along with that of several others has been rejected. From the point of view of the College I had stated that it is highly undesirable that the cinema should be placed so near an educational institution which is frequented by nearly 2400 students. Besides, the boundary of the new College Hostel situated on the Light-house Hill, will be about 50 yds. from the boundary of the new cinema theatre. It is bound to be a source of distraction to our students and hostelers.

May I appeal to you to request you to be so good as to inquire into the matter and issue instructions to the Municipality to kindly cancel the licence to the erection of the theatre at the foot of the St. Aloysius College Road.

Thanking you,

Yours sincerely,

Jose A. B. Coelho

20 SEP 1946

EXP. H. 4.0

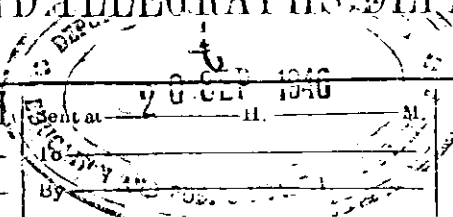
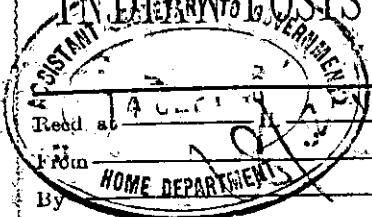
8/9/46

LAUG 29887

18.9.46

B Class]
Prefix _____ Code _____

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.



Read at _____

From _____

By _____

M.

Sent at _____

By _____

20 OCT 1946

Office stamp.

Office of Origin.

Date.

Service Instructions.

Words.

TO M.L. MANGALORE KINA. 12.23. HCN PRIME

MINISTER PRAKASAN NAIRAS

A. MANGALORE MUNICIPALITY LICENCING CINEMA

NEAR MATERNITY HEALTH EDUCATIONAL

B Class]
Prefix _____ Code _____

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Read at _____

From _____

By _____

M.

Sent at _____

To _____

By _____

M.

Office stamp.

Office of Origin.

Date.

Service Instructions.

Words.

INSTITUTIONS PROTEST FOLLOWS SOLICIT REFRAIN

ORIENTS : LAXMANDEVY V. JIVARTHI

The name of the Sender, if telegraphed, should be written after, but separated from the text.

Home Dept.

The allegation in the telegram above is against the Mangalore mpy. for having granted a license to a cinema. May be transferred to 2804. 40.

10/11/46

19/11/46

Home Dept.

Vide prices & tax (N)

CNo. 17613

p-1 cf.

Home Def.

from the Engineering Supervisor, Telephone
ootacamund No. P-9/12 dated 15th May 1930.

Telephone Connections in ootacamund

Agreement form in duplicate forward

AS

The Engineering Supervisor, Telephones,
ootacamund has forwarded a Hiring Contra
p-2-5 cf. form and an "Agreement form" in duplicate.
p-2-6 in

He states that the former may be
b-1 ch retained in this office and the latter
returned to him duly accepted. In

the agreement form two alternative
Changes are specified (1) for the whole
year and (2) for every month. As the
Secretary will stay in ootacamund for
2 months only, the monthly rate may
be accepted viz Rs 187/- The two contracts
are one at the residence of the
Secretary at "Willington House", ootacamund
and the other at Stone House Hill, ootacamund.
It may be mentioned that last year a
of Rs 187/- was charged; there is a small
increase of annas 8 in the rate this
year. As the increase is negligible,

A

ENO: 55404.Fay/46.

29/26/9

From the Rector & Principal, St. Aloysius¹²,
College, Mangalore. D 15th September 1966.

Licence. Mangalore Municipality.

Construction of a cinema theatre near St. Aloysius College -

Memo. 55404.Fay/46 - 104 D 24-9.66

Referred to the Commissioner, Mangalore

Municipality for remarks. The Municipal

Office file is original in

the subject may be admitted to Enb.

21/9/66
29/9/66
21/9/66

Kv.
21.9.66

21.9.66

SRR

24.9.66

To

the Commissioner,

Mangalore mpty theatre

(with copy in original
to be sent with reply).

Municipal	Department	Received	Registered
From (Name) Sri M. Narayana Shenoy,		To 6158/	The Secretary to Government,
B.A.B.L.,		19	Education and Public
Designation Commissioner,		the 11/10/46	Health Department, Madras,
Station Mangalore Municipality.		Through -	The Chairman, Municipal Council
			<u>Mangalore.</u>

Enclosures :

No. C3/ 12255/46 dated 7th October 1946

Sir, Subject: Licence-Mangalore Municipality-Construction of a
Cinema House near St. Aloysius' College.
Ref: Government Memo No. 55404-F2/46-1P.H.D/24-9-1946.

An application was received from the Secretary, The Karnataka Theatres Ltd. Mangalore, requesting the approval of site T.S.No. 168 of 15th ward for the purpose of constructing a Cinema house. On the recommendations of the Municipal Health Officer and the Town Planning officer as to the suitability of the site for the purpose, the matter was placed before the Town Planning committee for its consideration and approval, the land being situated within a Town Planning scheme area (Court ward Town Planning scheme). The Committee held several sittings considered all the objections received on the proposal, heard the several Lawyers who appeared for the applicant and objectors finally resolved in its resolution No.1, dated the 25th June 1946 to approve the site, for voting for and one against, the orders approving the site were communicated to the applicant in R.S. 54/46 - 4849/46, dated the 5th July 1946 with copies to the Collector of South Kanara to whom some objection, petitions had been sent and which were sent to this office and to all the

other principal signatories of objection petitions and letters.

On the orders of the Town Planning committee and the Commissioner approving the site Dr. (Miss) L.Lobo, who is having a Maternity Home in the adjoining compound filed two appeals to the Municipal council urging the cancellation of the proceedings of the Town Planning committee and the orders of the Commissioner.. The council after full deliberation on the matter and after hearing the arguments of the Lawyers on behalf of both the parties in its resolution No.13, dated the 2nd September 1946 rejected the appeals. The minutes of dissent sent by three councillors on the resolution have been forwarded by the Chairman to the Collector with his remarks and no orders are received.

As directed in the Government Memorandum referred to above the two Municipal Office files A.F.54/46-4849/46 (note, filed 4 pages and J.F.112 pages) and D.Dis. No.8155/46 dated the 13th September 1946 (42 pages) are submitted herewith. The enclosures in original received along with the Government Memorandum are also resubmitted. (P) (C)

Munna
Commissioner
Mangalore Municipality.

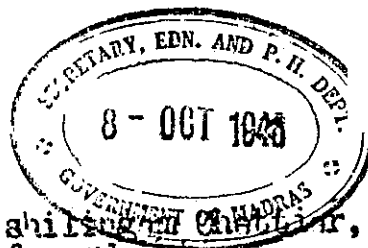
Forwarded

M. N.
9.10.46
Chairman, M.C.

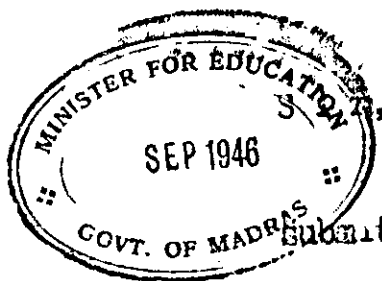
Enclosures: Two files and the enclosures in original received with the Government Memorandum.

H/8.10.46.

compd:- *g.p.*



To
The Hon'ble Sri Avanasilingam Chettiar,
Minister for Education,
Fort St. George, Madras.



We herewith enclose copy of a memorial we have submitted to the Collector of South Kanara against the approval by the Municipality of T.S.No. 168 in the accompanying plan opposite the Government Training School for women for the erection of a Cinema Theatre. The proposed site is also very close to the St. Aloysius' College grounds, having only Dr. Miss M.Lobo's Maternity Nursing Home between. We request you most respectfully to take an interest in this matter and prevent the erection of the Cinema in the proposed plot where it will cause great disturbance and annoyance to the teachers and students. The erection of a Cinema with the attendant crowds, stalls, etc. will alter the atmosphere of the locality which at present is so admirably suited to the educational and cultural institutions that preponderate in it. We suggest that it may be acquired for a Hostel for girls which is badly required.

Yours faithfully,

Ramabai A. Pandit

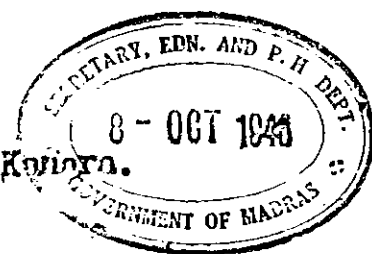
Mangalore,)
9-1946.)

as per Ramabai
Revised by C.M.
Esther Soans.

To

The District Collector,

Mangalore, South Kanara.



S i r,

We, the residents of Mangalore Town are very much aggrieved to hear that the Mangalore Municipal Council has approved of the site T.O. No. 168 for the construction of a Cinema Theatre. The plot selected is surrounded by Women's Institutions viz. the Government Training School for Women, the Mahila Sabha and the 'Glenview' Maternity Nursing Home; and is the main road leading to the St. Aloysius' College, the Mahamadan Palli and the Ladies' Recreation Club.

In spite of several protest petitions including those of the Inspectress of Schools and the Superintendent of the Government Training School sent to the Commissioner the site has been approved. We feel very strongly that all the three women's institutions will be badly affected. There is only a road between the Government Training School premises and the proposed site. It will be a great hardship to the lady teachers and students to have a cinema house so close by, as it will deprive them of all privacy, and be a constant source of distraction to the girls. There was always an idea of Government acquiring the site for a girls' hostel which is badly needed; but the war intervened and the idea was not taken up. It is being said that there are cinema next to schools in other places. This was probably due to negligence and want of fore-thought at the start which could not be rectified afterwards.

The Mahila Sabha and the Maternity Nursing Home will equally suffer. The Mahila Sabha is not merely a place of recreation, but its chief object is the welfare

and education of widows and young girls who have no other facilities for education. No one can expect women to use the Mahila Sabha as hereto-fore if the only road by which they can get there becomes the frontage of a cinema theatre with all the petty shops and crowds that are inevitable around it. Besides, the Mahila Sabha building itself is only 50 or 60 feet from T.S.No.168; and the cinema will be a great nuisance to the members at their meetings and social functions. It is an old institution and the originators chose this spot because of the privacy of the road and the respectability of the surroundings. It is hardly fair that its popularity should suffer by a needless cinema next to it.

The Glenview Nursing Home, though started only two-and-a-half years ago, has fulfilled along felt want, and has helped women of all castes and creeds to get treatment and cure before and during confinement. Dr. Miss. L.Lobo is the only private woman medical practitioner in the Town. The confidence inspired by her has induced even very orthodox Hindu and Muslim ladies to get treatment at her nursing home. Many a woman will prefer to suffer rather than cross a cinema crowd to consult a doctor; besides the vicinity of a cinema with the attendant band, stalls, advertisement tumult, etc. cannot but be a source of nuisance to the inpatients. The night shows especially might give an opportunity to undesirable people to loiter about and enter the Nursing Home premises which adjoins T.S. No.163 all along its western boundary and almost all along the whole of its northern boundary.

The traffic question has also to be considered. T.S. No. 163 is at the junction of five roads, the St. Aloysius

College Road, down at a steep gradient. The cinema show in the evening begins just after the play hours at St. Aloysius' College. Hundreds of boys go up and down this road and cross the junction. There is great risk of accidents if a cinema theatre is located anywhere near this junction, as it will be impossible to prevent little boys and girls lingering on the road in front of the cinema while going home from school.

The neighbouring residents also are highly aggrieved at the attempt to thrust a cinema theatre in their midst when it will be a cause of nuisance to them and when no one wants it except the share-holders of the Company.

For all the above reasons, we strongly protest against a cinema theatre in T.S.No.163 and we request the Collector of South Kanara to exercise his controlling authority and prevent the cinema theatre from being erected.

Trusting our petition will be sympathetically considered.

Mangalore, }
9-1946 }

We beg to remain,

Sir,

Your obedient servants,

Copy to the Hon. Minister for
Local Administration

Copy to the Hon. Minister
for Public Health

Copy to the Director of
Public Health

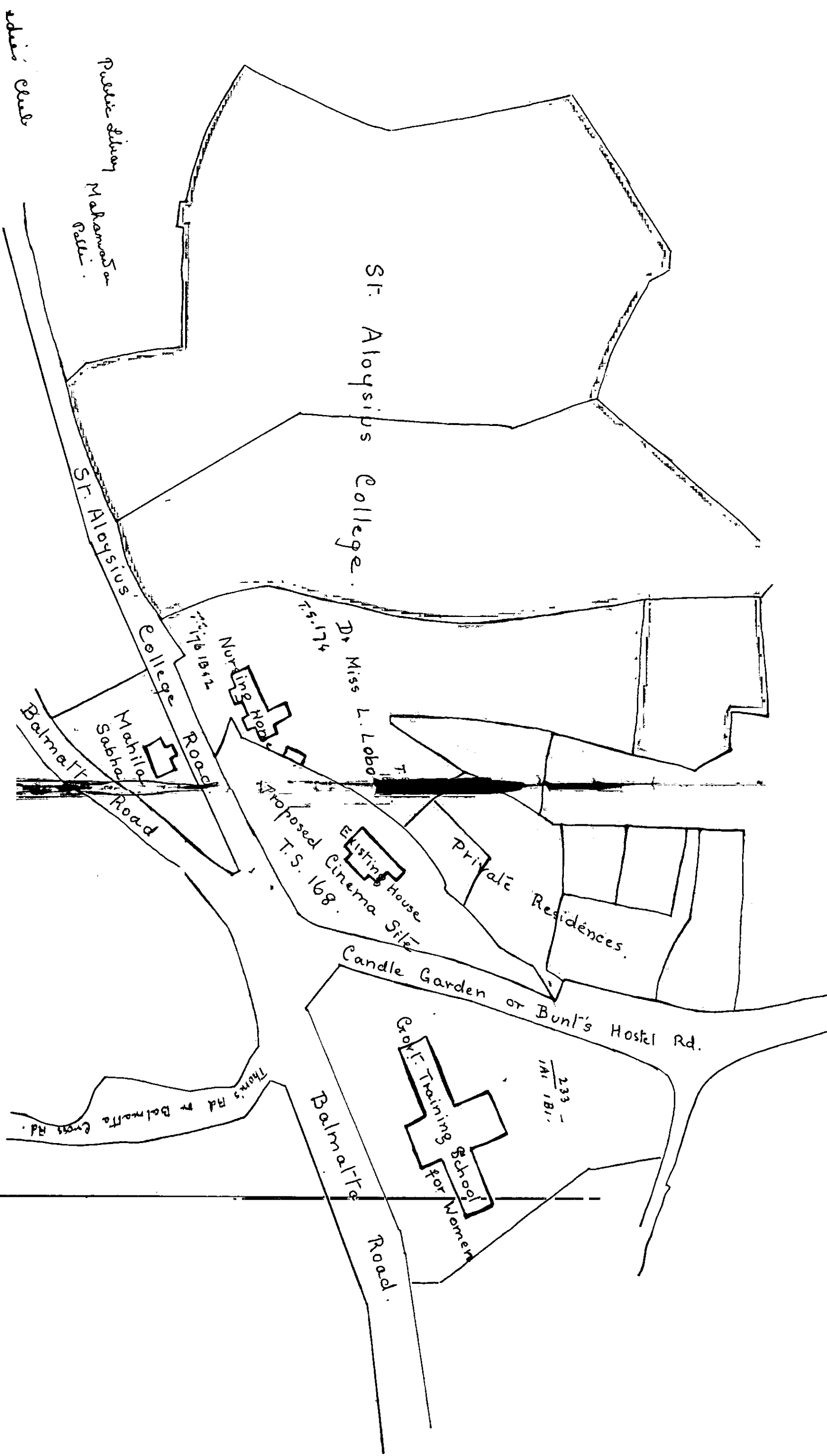
Copy to the Hon. Minister
for Education

1. A.L.Pinto, Rao Sahib, Dy. Collector
2. P.Vasudeva Rao, Advocate, Kadri, Mangalore
3. Pandit Venkat Rao, 'Guruprasad', Bendur
4. Kambal Faruit, President, Mahila Sabha
5. R. R. Talcharkar, Advocate
6. Kamla Talcharkar (Mahila Sabha)
7. M. Kumudini Narain (Mahila Sabha)
8. J. Kesava Rai, Retd.Civil Surgeon (Rao Bahadur O.B.E.)
9. G.Fernandes, Jeppoo, Mangalore
10. J. S. Pellias, Jeppoo
11. A.C.Baillur, L.C.P. & S.
12. N. K. Bhat, Advocate
13. Rajaram, Dental Surgeon
14. T. F. Saldanha, Dental Surgeon
15. G.L.Saldanha, Dental Surgeon
16. I.T.Mordale, Sub Officer Manager, Bombay Insurance Co.
17. P.S.Karmadkar (Dr. Prabhakar Rao)
18. C. F. Lagrado, Malnir
19. R.Coelho, C/O Dr. A.F.Coelho
20. Josy Aabello, Tile Manufacturer
21. D.L.Mascarenhas (Landlord)
22. B.T.Scans
23. F.Noronha
24. K. Vinayapurna
25. S.Jalajakshi
26. Arthur Saldanha
27. Y. Narayana Achar
28. F. F. Burckhart, Basel Mission
29. T.Roussel, Basel Mission
30. R.Faul
31. G.V.H.Mis, Manager, Kohara Timbers, Ltd.
32. S. Naraja Radival, Merchant, Jail Road
33. J.C.J.Saldanha, Retd.Traffic Inspector, S.I.Ry.

34. R. Rodrigues (Mrs. H. P. P. Rodrigues Coffee Planter)
35. A.J. Nazareth, Coffee Planter
36. D. Nazareth
37. F. Lebo, B.A., L.T.
38. B. Varenha
39. J. Monteiro
40. Gopalswamy Nastri
41. B. G. G. Rao, Retd. Civil Surgeon
42. A.J. Lebo, Retd. Head Clerk, Bolcor Coffee Works
43. C.J. Vas, Retired Ry. Officer, I.S.M. Ry.
44. S. Anandi (Mahila Sabha)
45. Rajalakshmi Nohar (Mahila Sabha)
46. Mrs. M. Amba Bai, Com. Member of Mahila Sabha (Mrs. Shiva Rao)
47. Mrs. U. Radha Bai
48. S. Sequeira, Jarrant Officer, R.I.N. Retd.
49. F. Braganza
50. J. Castalino - Assistant AG.
51. J. A. Saldanha
52. T. Mahalinga Bhat, Medical Practitioner, Balmatta
53. L. Rodrigues, Balmatta Road
54. J.J. Vas
55. T. D. D. Doctor, Prema Nursing Home
56. G. I. B. D' Souza
57. A. Pais, Light House Hill, Mangalore
58. B. Furtado, Light House Hill, Mangalore.
59. J.B. Lebo
60. A.G. Fernandes, Bajaj, Mangalore
61. A.B. Joana, Light House Hill Road
62. B. Sumar Rao, The Ideal Jewellery House, Mangalore
63. H. Pais, Balmatta Road,
64. I. Karunakar
65. Benedict Hari, Ag. Manager, B.I. Press
66. C.H. Muthu

67. K.P. Samuel
68. G. Davidatta
69. F.P.S. Albuquerque, Tile Merchant
70. J.A. Brito, Tile Manufacturer
71. G.R. Naik, Tile & Timber Merchant, Mangalore
72. A.V. Rao, Rozario Church Road, Mangalore
73. P. Gonsalves, Light House Hill
74. B.F. Lobo, Tile Merchant & Lorry-lord
75. C.A. Saldanha
76. M.S. Pais, Retd. Deputy Collector
77. S.M. Pinto (Coffee Planter)
78. J.H. Moronha
79. Sylvester Pais, Coffee Planter
80. S.P. Kamath, Proprietor, Variety Stores, Mangalore
81. Lucy Sreghda (Mrs. L. S. Sreghda) Ladies Club, Light House Hill
82. Kumble R. Rao, Merchant, Mangalore
83. B. Mohammad (Merchant, Bunder)
84. Minna Saldanha, Palmir (Mrs. K. Saldanha, Coffee Planter)
85. T.P. Moosa Kutty, Timber Merchant, Bunder
86. V. Subba Rao C/O Vithalji Madhavji
87. J.G. Kamath C/O Kamath & Co., Mangalore
88. K.P. Ponnappa (Com. Mem. Mahila Sabha)
89. F. Sousa, Retd. Dt. Registrar
90. Frank M. Saldanha, Asst. Controller of Coffee, I.C. Board
91. V.T. Kamath, Rao Bahadur, Retd. Civil Surgeon, Palmir
92. L.E. Mathias, Rose Village, Strurrock Road
93. S.L. Pinto, Coffee Planter, Kadri
94. F.A.J. D'Souza, Coffee Planter, Mangalore
95. G.J. Fernandes, Teacher, St. Aloysius' College
96. Xavier Fernandes, Upper Bunder, Mangalore
97. Ben. D'Souza, Coffee Planter, Mangalore
98. I. Looluavevi (Jail Road)
99. J. Harampal Pedival, C/O M.S. Ponnival & Sons, Bunder

100. Mrs. Jayamma Krishnamurthy, President, Ladies Club
- 101 Kanji Kanaiya, Sturrock Road, Mangalore
- 102 B. Ananda Baliga, Dy. Collector on leave, Mangalore
- 103 Devadas Tricheral, Proprietor, Chandrasa Bros.
- 104 Chotalal Meradji Charia
- 105 Ullal Deva Rao, Merchant, Mangalore
- 106 U.C. N. Bhut, B.A., B.L., & M.L.C., Mangalore
- 107 J.Y. Fozjari, Advocate, Mangalore
- 108 K. Subasani, Member, Govt. Training School Advisory Committee
- 109 U.F. Gallya, M.L.A.
- 110 Hajee Abdul Khader Bava, Merchant, Bunder
- 111 Dada Hajee Ibrahim Halari
- 112 H.J. D'Souza, M.B.B.S., D.O., Mangalore
- 113 P. Narayana Rao, M.B.B.S., L.O. Kadri
- 114 A.D. Mascarenhas, M.D., D.I.C.
- 115 S. Ganeshkar Rao (Mrs. G. Ganeshkar Rao)
- 116 Mrs. G.R. Pandit, Mahila Sabha Games Secretary
- 117 L. Lobo (Mrs. F. Lobo) Member, Advisory Com. of Govt. Training School
- 118 J. Malini Bai
- 119 Pandit Malini Bai
- 120 M. Umash Rao
- 121 F. Lobo, Rao Saib, Retd. Deputy Collector
- 122 Mary Brito, Member Com. of Food, etc. 'Rose Villa' Mangalore.
- 123 J. Nagappa Pai, Regd. Medical Practitioner, Mangalore
- 124 Mrs. A. Satyanekar
125. Mrs. F. Soares member of the Advisory Com. of the Govt. Training School for Women.



Public Library Mahanadon Path

ST. Aloysius College

ST. Aloysius College

Balmatta Road

Nursing Home

Dr. Miss L. Lobo

Existing House

Proposed Cinema Site T.S. 168

Private Residences

Candle Garden or Bunt's Hostel Rd.

Govt. Training School for Women

Thom's Rd or Balmatta Cross Rd.

Balmatta Road

44
21/7

22

F. & P.H. (F2).

Memorandum No. 554-4-P2/L6-2PM dated 19--10-46.

Subj:- Licence - Mangalore Municipality - Construction of a
Cinema House near St. Aloysius' College.

The attention of the Collector of South Kanara is invited
to the letter from the Chairman, Municipal Council, Mangalore,
dated 5th September '46 and he is requested to forward at an earl
date his remarks on the minutes of dissent. He is also requested
to offer his remarks on the suitability of the site approved for
the Cinema Show.

kw
19.10.46

19.10.46

To

The Collector of
South Kanara, Mangalore.

Copy to The Secretary Education and Public Health
Department.

.....

From

The Karnataka Theatres, Ltd.,
"Jayant Building,"
M a n g a l o r e .

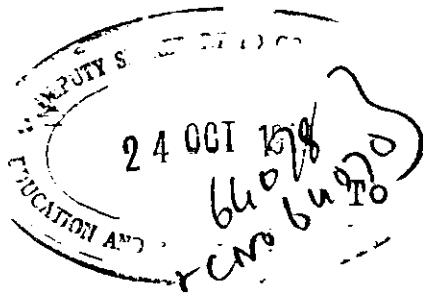
The Hon. Mrs. Lakshmi pathi, B.A.
~~The Hon. Mr. Minister~~ Minister for Health,
Government of Madras,
M a d r a s .

Sir,

We beg to introduce ourselves as a public limited liability Company. The Company had been incorporated in October 1945 with the primary object of promoting the film industry and particularly to construct and own picture houses both in urban and rural areas of the District.

In pursuance thereof the Company has purchased four sites in the district roughly at a cost of one lakh of rupees.

The site at Mangalore has been acquired at a cost of about Rs62,000. Immediately thereon, the company applied to the Municipality for permission to build the theatre. While the application was pending inquiry, one Dr. (Miss) Lobo, the owner of the adjoining compound, who has a private nursing home with three or four beds, called on the Secretary of the Company with a request that the Company may sell to her 11½ cents of land abutting and projecting into her compound with a view to round off her compound. Negotiations failed and then it is that Dr. (Miss) Lobo filed her objections to the Municipal Council and went round canvassing support from the residents of the locality. Departmental inquiries over, the matter was posted before the Town Planning Committee who having heard lawyers on either sides and as well as the other objectors including the objection filed by



24 OCT 1946
72

The reply
for the letter
is in memo
no. 22 at
may be
checked in
15.11.46.

16.11.46
18.10.46

the Principal of the St. Aloysius College, finally approved the site for the construction of a theatre by a majority of 4 to 1.

As against this order Dr. (Miss) Lobo filed an appeal to the Municipal Council. The Municipal Council after reviewing the entire matter and giving opportunities to lawyers to argue on both the sides finally rejected her application and confirmed the earlier decision of the Town Planning Committee by a overwhelming majority 13 to 7.

Dr. (Miss) Lobo had also filed several petitions before the Collector of South Kanara who after departmental inquiry has, we understand rejected her applications.

The entire agitation has been engineered and sponsored by Dr. (Miss) Lobo for the simple reason that she has not been able to secure the 11½ cents of land from the Company.

Right from the beginning Dr. (Miss) Lobo has been trying to give the whole matter a communal twist, as is evidenced from the fact, that both in the Town Planning Committee and in the Municipal Council only the Catholic members voted against the issue of licence to the Company, while all the members without exception belonging to all castes and creeds, Muslims, Gowd Saraswats, Brahmins, Bunts, Billavas and Harijans voted for the issue of the licence.

Now we understand that the Rector of the St. Aloysius College has sent up a Memorial to the Government as against the order of the Municipality. The Rector's objection were fully considered by the Town Planning Committee and reviewed

by the Municipal Council. We are led to believe that the present objections at this late stage by Rev. Fr. Rector of the Aloysius' College, has been engineered by the same Dr. (Miss) Lobô, whose family is not only the donor of the College site but also a very influential member of his community.

The statement by Fr. Rector that the Theatre compound is hardly 50 yards from his Hostel is not correct. Besides the said proposed Hostel Building which at best could accommodate 10 to 15 students was acquired by the College authorities long after the site for the theatre was approved. In fact the main College Hostel buildings are on the other side of the hill about 3 furlongs away from the Theatre site.

The fact that the Rector has not cared to object to another theatre which is now under construction, hardly 60 yards away from the main college hostel on the Karnad Sadashiva Rao Road, would also bear out our statement that the objections raised are baseless and inspired.

While the Bishop of Mangalore has not objected to ^{Theatre on} Karnad Sadashiva Rao Road, even though it is hardly 50 to 60 yards from Kodialbail Church, it is strange that Basel Mission Church people, whose chapel is over 2 furlongs away from the proposed theatre should object, when as a matter of fact their chapel is hardly 20 yards from their huge Printing Press and Hosiery Factory where over 500 people are employed.

The proposed Theatre is hedged in between the Commonwealth Iron Works on the one side and the Commonwealth Hosiery Factory on the other. In view of these facts, one wonders, how any objection could be raised

against the construction of the theatre on grounds of public health and nuisance. The plot in question is nearly 1½ acres and the proposed theatre would be a garden theatre, with vast open space all round. The site faces 5 main roads and it would facilitate traffic, however, congested it may be. Apart from this the Company has engaged the services of the well-known Madras Architect, Mr. L. M. Chitale, at heavy cost to the company for conceiving and constructing an ultra modern theatre acoustically perfect and with ideal sanitary conditions. We therefore beg to submit that the location of the theatre here would not only add to the beauty of the City but also cater to the needs of thousands of people living round about the place. A copy of the mass petition signed by the residents to the Collector of South Kanara is enclosed herewith which is self-explanatory. Utterances and Radio broadcasts by eminent men that cinemas are to be classified among the necessities of life and that they are social amenities that the State ought to provide for the masses are indeed matters for consideration. The government policy that all educational institutions should, if possible, have a picture house attached to the College are also matters for consideration. A sister Jesuit institution verily a bigger institution than the Aloysius College has a permanent cinema house in the Loyola College premises, Madras and one wonders why and how the Principal of the Aloysius' College could object to a theatre to be built about 2 furlongs away from the College.

A reference to Government Memorandum, Education and Public Health Department No. 7922-3-F.2-P.H. dated 29-4-46 communicated on 29-6-1946 would clarify the position as to the rights of parties with regard to construction of theatres.

BOTH the Town Planning Committee, the Municipal Council and the executive authority, after careful consideration of all the various points involved have finally approved the site for the construction of the Cinema House. Any interference by the Government would mean an encroachment of rights and privileges of such democratic institutions and thus retard their progress in the right line.

Besides, investing Rs62,000 on land, the company in furtherance of the order of the Municipality approving the site has placed orders for necessary machinery at a cost of about Rs40,000 and made huge advances thereon. The Company in execution of their work, have demolished a pucca building on the site valued at not less than Rs25,000. Any interference at this late stage by the Government would result in a loss of Rs1,25,000 to the Company.

In the circumstances set out above and particularly in view of the fact that interference by the Government would mean heavy damages, we humbly pray that the Government may be pleased to reject all objections and confirm the order of the Mangalore Municipality.

We have the honour to be,

Sir,

Your most obedient servants,

M a n g a l o r e , }
22nd October 1946. }

FOR THE KARNATAKA THEATRES LTD.
For JANASO'S LTD.
Managing Agents.

P. S. Srinivasan
Secretary.
22/10/46.

To

The Collector and District Magistrate,
South Kanara,
M a n g a l o r e .

Sir,

We, the residents of Kankanady, Maroli, Padav, Kadri, Kodiyalbail and Attavar, beg to place before you the following facts relating to the construction of a Cinema Theatre in Balmatta, Mangalore, for sympathetic consideration and necessary action.

2. It is needless for us to submit, as Your Honour is already well aware that in Mangalore Town, the pioneers of Cinema Line have not been fair to us inasmuch as they have not so far thought of establishing even a single Cinema Theatre at a place convenient and within the easy reach of our localities, but were concentrating their attention in congested areas which are far away from our factories and residences. We venture to submit that besides the three theatres which are already running on the western side of the town, two more are under construction at places not very far from the existing ones.

3. We submit that most of the respectable citizens have moved to Kankanady, Kadri, Kodiyalbail and Padav villages on account of the incidence of Filaria and other epidemics such as plague, cholera, small-pox, etc. in the localities situated to the west of the roads converging north and south of Hampankatta junction.

4. We submit that nearly three-fourths of the population of Mangalore Town ~~live in~~ live in Kankanady, Kadri, Padav, Maroli and in portions of Kodiyalbail and Attavar villages situated to the north of Hampankatta junction. Further, Your Honour is already aware that most of the Handloom and other factories are situated in the abovesaid area and that these labourers are also having no recreation of

any kind except attending cinemas now and then. These labourers find it very difficult to walk over to the existing cinemas after their days' work as they are in some cases working or residing more than three miles away. Even if they do go, they find it very late when they return home after attending the Show.

5. We submit that there are a number of hostels in the abovesaid area and these students find it difficult to attend the Shows in the existing Theatres as they have to walk the distance to and from the existing theatres or pay heavily for conveyances. We may also submit that more than half the number of lawyers reside in the abovesaid area.

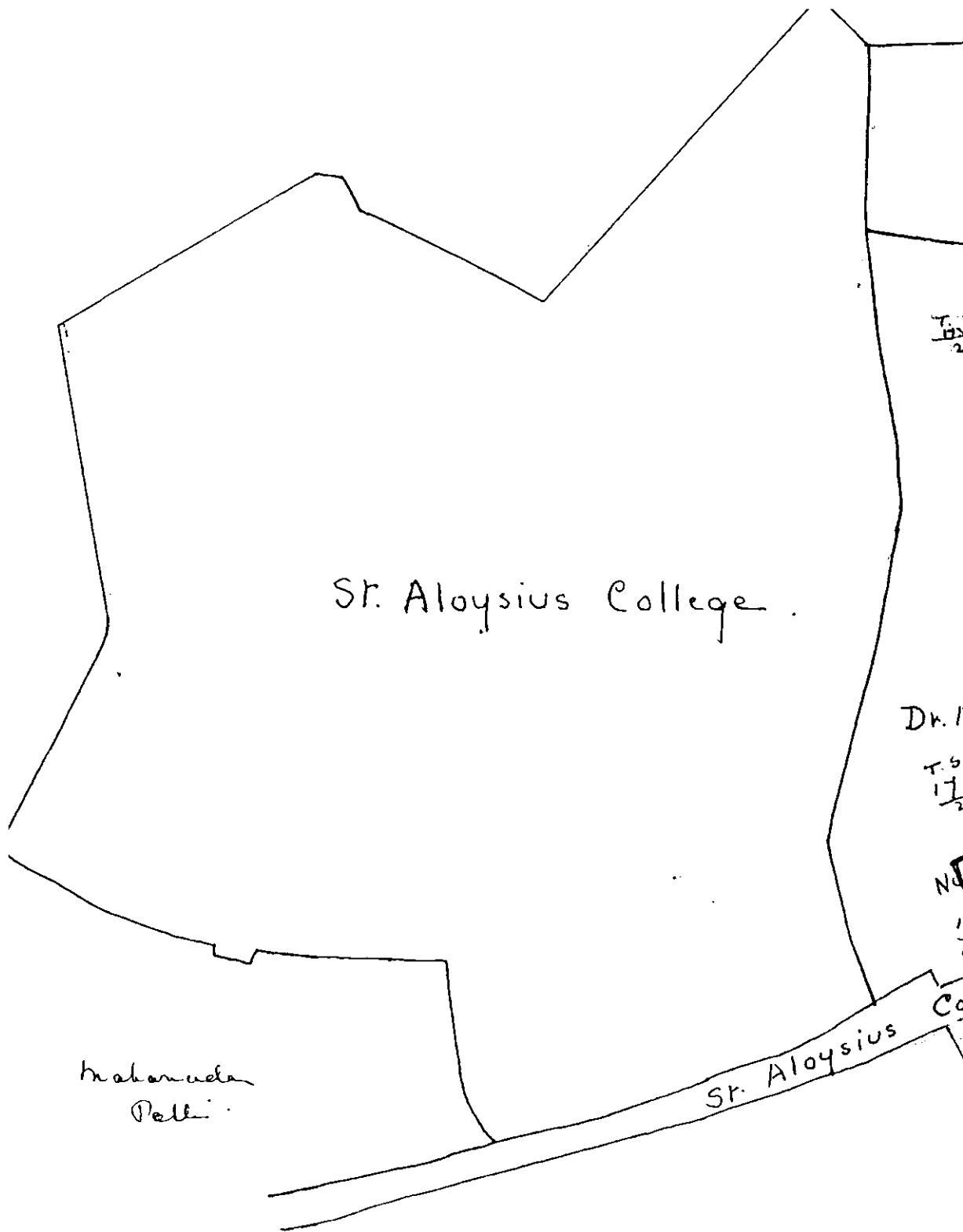
6. Further, ladies and children in these areas have to forego their recreation as the conveyance charges now prevailing is prohibitive to attend the existing cinemas. Moreover, they also find it inconvenient to attend shows in those localities on account of heavy traffic and congestion.

7. We learn that the Karnataka Theatres, Limited, are thinking of constructing a Cinema Theatre at the junction of five roads in Balmatta and in our opinion there is no other locality so conveniently suited to us. The site for the location of the Theatre would be ideal viewing it from all aspects of the questions, health, traffic and proximity of distance.

We, therefore, pray that you may be pleased to grant all such facilities to them as are necessary to expeditiously construct the Cinema Theatre at the Balmatta corner.

/True copy/

R. S. S.



St. Aloysius College.

Library

Mahamunda
Pelli

Ladies Club

St. Aloysius
College Road

Dr. 1

T. 5
17

N. 1



29104
12 SEP 1948

Madras, 14.8.1948
TO GOVERNMENT
2 DEC 1948
GOVERNMENT
DEPT.

To

The Honourable the Minister for Local Self Government

Fort St. George,

Madras.

From:

Dewan Bahadur P.C. Lobo, Barrister at Law,

Retd. Dist & Sessions Judge.

"Grasmere". Bijay Church Road,

Mangalore.

I recently came to Madras from Mangalore on 6.8.46, and it is only today that I am able to present this petition in person.

2. My daughter Dr. Miss Lucy Lobo, L.B.B.S., D.G.O. (Madras) opened a Maternity clinic and nursing home at "Glenview", St. Aloysius College Road, Mangalore at the close of 1944 in the house belonging to my wife. The old house was ~~prx~~ improved for that purpose. Within the last year large sums have been and are being spent by my wife for almost doubling the facilities and amenities and for adding to the compound. The nursing home is situated in an essentially residential locality and is in the vicinity of educational institutions for boys and girls. The inmates of the nursing home are from all classes.

3. In recent months several influential members of the Bunt community have purchased the compound and house to the east of the nursing home. On learning that the purchases under the ~~appellation of the~~ ^{appellation of the} Karnataka Theatre Company were contemplating the opening of a cinema, objections were submitted to the appropriate local authorities from the following:-

See L. 14
Can we hold up
his matter, pending my
visit to Mangalore
in September? I understand
and have been
permitted by the Council
to leave instructions
re my wife's
nursing home
on 14/8

...2...

- (1) Mr. Miss L.Lobo.
2. Residents in the immediate neighbourhood.
3. The superintendent, Government Training school (girls).
4. Inspectress of girls schools.
5. Basel Mission colony.
6. St. Aloysius college.
7. Parents of girls attending the Govt. Training school.
8. Parents of boys attending college by the St. Aloysius College Road.
9. The Mahila Sabha.

4. I enclose for your perusal (1) a copy of a petition from Dr. Miss Lobo dated 13.6.46.

(2) Copy of the reasons for the dissent of Mr. M.S. Shree Sreshta, C.C.S. (Retd), and a former M.L.A.), as ^{1/2} ~~1/2~~ President of the Town Planning Committee and (3) Copy of the petition of Dr. Miss Lobo of July 1946 to the Chairman and members of the Municipal Council against the order of the Commissioner of the Municipality dated 6.7.1946.

5. The appeal of Dr. Miss Lobo against the proceedings of the T.P. Committee and of the Commissioner were to have been heard on 5.8.1946. I have not yet heard of the result. But the issues involved are such that it appears just and proper that in the public interest and in the interests of all concerned, the Provincial Government as the controlling authority, both for the purpose of the District Municipalities Act as well as for the purpose of the Places of Public Resort Act, may be pleased to call for the papers and pass final orders, preferably after the honorable the Minister visits the residential locality and satisfies himself about the weight and the propriety of the objections. It is not merely the interests of the residents that have to be considered, but the well being of the rising generation as well has to be safe guarded.

I have the honour,
to be sir,
your most obedient servant,

From -

Dr. Miss L. Lobo, M.B.B.S., D.G.O.,
Glenview Nursing Home,
Light House Hill,
Mangalore.

To

The Chairman-in-Council,
Mangalore Municipality.

S i r,

I am told that an application has been made for the granting of a License to have a Cinema House on T.S. No. 163 at the foot of the St. Aloysius' College Road leading to the Light House Hill from Balmatta. The plot on which the proposed Cinema House is sought to be constructed is next to my Maternity Nursing Home. This plot is bounded on the Eastern Side by the Government Training School for Women with only a road in between, and it is bounded on the Western and Northern sides by my Nursing Home on T.S. Nos. 176 and 169 belonging to me.

My Nursing Home for Women is the only one in the Town with a resident Lady Doctor at its head and staffed entirely by women. As such, women of all castes and communities come freely to the Nursing Home for treatment and confinement, however orthodox they may be. The erection of a Cinema House immediately abutting the Nursing Home premises will deprive the Patients of the Privacy, Quiet and Seclusion, they have so long enjoyed and which have encouraged Pundah and Hindu Orthodox ladies to come without hesitation for treatment both as In-Patients and Out-Patients.

Besides, I beg to state that the Cinema will be a very great disturbance and nuisance to the Patients because of the inevitable crowds and noise that a Cinema necessarily entails; this will be intolerable to them, as they are in great pain during Labour and often in a Critical State.

The Nursing Home was first started on a small scale but on account of its situation and the quietness of the locality more ladies have begun to avail themselves of the facilities afforded. Encouraged by this, I have spent a large sum of money in extending the Home and equipping it in a better manner. If the proposed Cinema should come into being, all this expenditure and trouble which I have incurred in these difficult days will be in vain.

When the Health Officer visited the locality in this connection and asked me for my statement, I strongly objected to the granting of a license for the Cinema House referred to.

I, therefore, request you to consider the matter sympathetically in the interests of the welfare of my Internity Nursing Home and to be so good as not to grant the license for the Cinema House.

Mangalore, }
Dated 13-6-1946.)

Yours obediently,

Copy to:-

1. The Collector of South Kanara, Mangalore
2. The Commissioner, Mangalore Municipality
3. The Health Officer, Mangalore Municipality
4. The President, The Town Planning Committee, Mangalore.

Tru. only
Ch

Reasons for my dissent.

I regret to have to differ from the other members of the committee as to the order to be made on this application.

Several objection petitions have been received against the application. All the neighbours appear to be against its being granted. The Town Planning Officer says in his report of 15th ultimo that so far as he could gather, the general opinion is not in favour of locating the theatre at this place. The neighbours and signatories of the objection petitions belong to different communities, Hindus, Catholics, and Protestants. The institutions objecting include Miss (Dr.) Lobo's Maternity and Nursing Home which adjoins the site on which the Cinema House is sought to be built, St. Aloysius' College which also adjoins, and the Government Training School for men and Secondary School for Girls, which face this site and is separated only by a public road. There are other institutions close by, persons connected with which are objecting. The Inspectress of Girls' School, the Superintendent of the Training School for women, the Rector of St. Aloysius' College, the President of the Basel Mission in India, parents of students of the College and Training School and several professional men are among objectors.

We have for our guidance in dealing with this application 7 (b) of the Places of Public Resort Act, under which a license has to be obtained for the proposed Cinema. This section provides that the Licensing Authority should be satisfied inter alia that no objection arises from the situation of the site and the proposed purpose.

The functions of Town Planning include the laying out of conditions and restriction in regard to the erection of which buildings or specified areas may or may not be used.

printed. (4-n of the Town Planning Act). Town Planning is not to be directed merely to satisfy physical wants, but should also aim at providing and developing cultural amenities and moral health. It is, therefore, our duty to interfere with the object of the application is the construction of a Cinema, which is not desirable in this locality.

This is one of the finest residential localities in this town, with its calm atmosphere and good buildings have sprung up in it. It is well-fitted for Educational and Cultural Institutions, which have sprung up on the hill, the College, clubs, the Public Library, etc. The site in question lies at the foot of a hill which in the words of Mr. Simhan, Deputy Director of Town Planning (p. 27 of his Civic Survey of the Bangalore Municipality, 1929) is the "the chief beauty spot in the town". "To this Hill", he says, "people resort for open air. The roads leading to the hill are carefully laid. The view from the hill of the town, the backwater etc. is exquisite". The atmosphere of quiet and calm of this locality, including the hill, would certainly be disturbed by the opening of a Cinema House in the site in question, with the crowds and traffic that will be attracted, and the number of stalls and petty structures that will spring up in the neighbourhood.

It could be adding to the usefulness of the College and schools and other institutions in the neighbourhood and becoming their efforts, by permitting the construction of a Cinema close to them. According to the Rector of the College 2300 students pass up and down the road past the site in question and the Cinema will be a great source of distraction to them and matinees on working days which include Saturdays will be a cause of absenteeism.

That is the call for disturbing the quiet of the locality and adding to the distractions of the students of

the College and other institutions. Miss (Dr.) Lebo says that several women attend her nursing and maternity Home for confinement etc. She gives other reasons for objecting to the application.

A Cinema is useful in its own way but in the present state of the law, it is not in the power of the State to exercise a direct control over Cinemas and the films shown, and it would certainly be in the interests of the College and other institutions if this Cinema is located further away from them.

Some personalities were brought in. The applicant has invested money in buying the site in question. But this is a valuable site which he can probably sell without loss if not with profit. The question however must be looked at not from the point of view of interests of individuals but having regard to the larger interests of the residents and institutions in the neighbourhood and the interests and amenities of the general public and the town as a whole. The use of localities like the one in question for Cinemas amounts to their exploitation for the benefit of the capitalist at the expense of the comfort and amenities not only of the neighbours but of the general public.

The fact that Cinemas have been built near schools else where does not prove anything. Perhaps no objection was raised by the neighbours. I believe that all these Cinemas are outside the Town Planning areas and the applications regarding them were not considered by the committee. In any case there is no need to repeat previous errors and to overlook the spirit of the Town Planning act. Industrial areas have been established to in the interests of the Health of the Public. The Council has set its face strongly against nuisances and

the opposition to the Cashew Factory in Urva is an instance.

Although a Cinema is not an industry and a nuisance in the same sense we shall be but following our past policy and adhering to the spirit of Town Planning by keeping Cinemas as far away as possible from localities which are popular residential areas and educational and cultural centres.

Sd.M.J.Sreshth, 27-5-46.

True extract is granted to Miss L.Lobo, as per her application dated 25-6-1946 File C.A. No.129/46-47.

Sd.

Commissioner,
Mysore Municipality,

True copy
Ch

To
The Chairman and Members of the
Municipal Council, Madras.

In the matter of the application of the
Karnataka Theatre Company, for approval
of site for a theatre to be constructed
on T.S.No.16 of 10th Ward -

Dr. Miss M. Lebo

.. Petitioner,

The petitioner above named being highly aggrieved
by the order of the Commissioner of the Municipality
dated 6th instant, approving the site proposed by the
Company for a theatre to be constructed begs to submit
the following for consideration and decision of the
Chairman and the Council -

1. The application of the Karnataka Theatre Company
did not deliberately disclose under what provision of
law it was made and should, therefore, have been rejected
in limine.

2. The application being submitted for approval of
a site for construction of a theatre the same should
have been made under Section 4 of the Madras Places of
Public Resort Act (11 of 1889) to the Chairman of the
Municipal Council as prescribed by Section 5, giving the
particulars mentioned in Section 4, so as to enable the
Chairman to dispose of the application with reference to
Sections 6 and 7 of the act: under Section 7 a license
may be refused if there is objection arising from the
situation of the place or the purpose proposed.

3. Under the said Act the Executive authority of the Municipal Council has no jurisdiction or authority to deal with the application.

4. Even if the application is treated as one made under Section 197 of the Madras District Municipalities Act, the application was defective in as far as the application under Section 197 (1) (a) with a site plan, elevations and sections of the building and a specification of the work was not submitted. It was not, therefore, competent to the Executive Authority to entertain an application under Section 197 (1) (a) for approval of the site alone without the application under Section 197 (1) (b) and the particulars required by it. That the two applications have to be filed and considered together is made clear both by Section 197 (1) and Section 203 and the grounds mentioned thereon which approval of site for a building may be refused.

5. The Executive Authority has not considered the objections urged by the petitioner and by other persons and institutions. The Executive Authority erred in accord-
ing approval for the site, before the application for permission to construct the theatre was made. No satisfactory reasons have been assigned for dealing with the application for approval of the site before the application for construction was made. Approval of site and permission to construct are so intimately connected that one cannot be satisfactorily considered without a consideration of the other.

6. The Executive authority has overlooked the fact

6. The Executive Authority has overlooked the fact that under license issued by the Executive Authority, she is extending and improving her nursing home and has incurred considerable outlay in that behalf -- the purpose of the extension and improvement would be defeated if a Cinema is constructed in the immediate vicinity of the nursing home.

It is, therefore, prayed that:-

1. the order of the Executive Authority may be cancelled being illegal, and ultra vires of his powers;
2. that the application of the Karnataka Theatre Company for a license may be rejected as it is contrary to the provisions of law.

Mangalore,

7- 1946.

Objection petitions have been sent by the following:

1. Dr. M. A. Lobo
2. Residents in the immediate neighbourhood.
3. The Suptd. Govt. Training School (Girls)
4. Inspectors of Girls Schools
5. Basel Mission College
6. St. Aloysius College
7. Parents of girls attending the Govt. Training School
8. Parents of boys attending College by
H. S. Aloysius College Road.
9. The Mahila

SECRETARY TO GOVERNMENT
2 - DEC 1946
E.P.H. u. O. 2/12/46

The Hon'ble Sri Daniel Thambi, Barrister at Law
Minister for Local Administration,
Fort St. George, Madras

SECRETARY TO GOVERNMENT
31 OCT 1946
35568
LOCAL ADMINISTRATION DEPT.

*Copy to
Release examine To*

*His to Mr. Ch.
dny in
Sri 29/10*

*(with memo to file
plan)*

Sir,

We are sending herewith copy of a memorial which we have submitted to the Collector of South Kanara against the approval by the Mangalore Municipality of the site P.S.No. 168 in the accompanying plan for the erection of a Cinema Theatre. The signatures to the memorial include those of responsible citizens of Mangalore - lawyers, doctors and business men of all creeds and communities. May we request you most respectfully to consider our græevances sympathetically and prevent the erection of a Cinema on the proposed site for which of kindness, we will be deeply grateful.

Yours faithfully,

Mangalore,)
27-9-1946.)

acornio, Rao Sahib,
Retired Collector.
Ramabai. A. Pandit
Esther Soans.

To
The District Collector,
Mangalore, South Kanara.

S i r,

We, the residents of Mangalore Town are very much aggrieved to hear that the Mangalore Municipal Council has approved of the site T. S. No.168 for the construction of a Cinema Theatre. The plot selected is surrounded by women's Institutions viz. the Government Training School for Women, the Mahila Sabha and the 'Glenview' Maternity Nursing Home; and is the main road leading to the St. Aloysius' College, the Moham-madan Palli and the Ladies' Recreation Club.

In spite of several protest petitions including those of the Inspectress of Schools and the Superintendent of the Government Training School sent to the Commissioner, the site has been approved. We feel very strongly that all the three women's institutions will be badly affected. There is only a road between the Government Training School premises and the proposed site. It will be a great hardship to the lady teachers and students to have a cinema house so close by, as it will deprive them of all privacy, and be a constant source of distraction to the girls. There was always an idea of Government acquiring the site for a girls' hostel which is badly needed; but the war intervened and the idea was not taken up. It is being said that there are cinemas next to schools in other places. That was probably due to negligence and want of fore-thought at the start which could not be rectified afterwards.

The Mahila Sabha and the Maternity Nursing Home will equally suffer. The Mahila Sabha is not merely a place of recreation, but its chief object is the uplift

and education of widows and young girls who have no other facilities for education. No one can ^{expect} ~~except~~ women to use the Mahila Sabha as hereto-fore if the only road by which they can get there becomes the frontage of a cinema theatre with all the petty shops and crowds that are inevitable around it. Besides, the Mahila Sabha building itself is only 50 to 60 feet from T.S.No.168; and the cinema will be a great nuisance to the members at their meetings and social functions. It is an old institution and the originators chose this spot because of the privacy of the road and the respectability of the surroundings. It is hardly fair that its popularity should suffer by a needless cinema next to it.

The Glenview Nursing Home, though started only two-and-a-half years ago, has fulfilled along felt want, and has helped women of all castes and creeds to great treatment and cure before and during confinement. Dr. Miss. L. Lebo is the only private woman medical practitioner in the Town. The confidence inspired by her has induced even very orthodox Hindu and Muslim ladies to get treatment at her nursing home. Many a woman will prefer to suffer rather than cross a cinema crowd to consult a doctor, besides the vicinity of a cinema with the attendant band, stalls, advertisement tumult, etc. cannot but be a source of nuisance to the inpatients. The night shows especially might give an opportunity to undesirable people to loiter about and enter the Nursing Home premises which adjoins T.S.No.168 all along its western boundary and almost all along the whole of its northern boundary.

The traffic question has also to be considered.

T.S.No.168 is at the junction of five roads, the St. Aloysius' College Road coming down at a steep gradient. The cinema show in the evenings begins just after the play hours at St. Aloysius' College. Hundreds of boys go up and down this road and cross the junction. There is great risk of accidents if a cinema theatre is located anywhere near this junction, as it will be impossible to prevent little boys and girls lingering on the road in front of the cinema while going home from school.

The neighbouring residents also are highly ag-grieved at the attempt to thrust a cinema theatre in their midst when it will be a cause of nuisance to them and when no one wants it except the share-holders of the Company.

For all the above reasons, we strongly protest against a cinema theatre in T.S.No.168 and we request the Collector of South Kanara to exercise his controlling authority and prevent the cinema theatre from being erected

Trusting our petition will be sympathetically considered.

Mangalore,)
26- 9- 1946)

We beg to remain,

S i r,

Your obedient servants,

Copy to:-

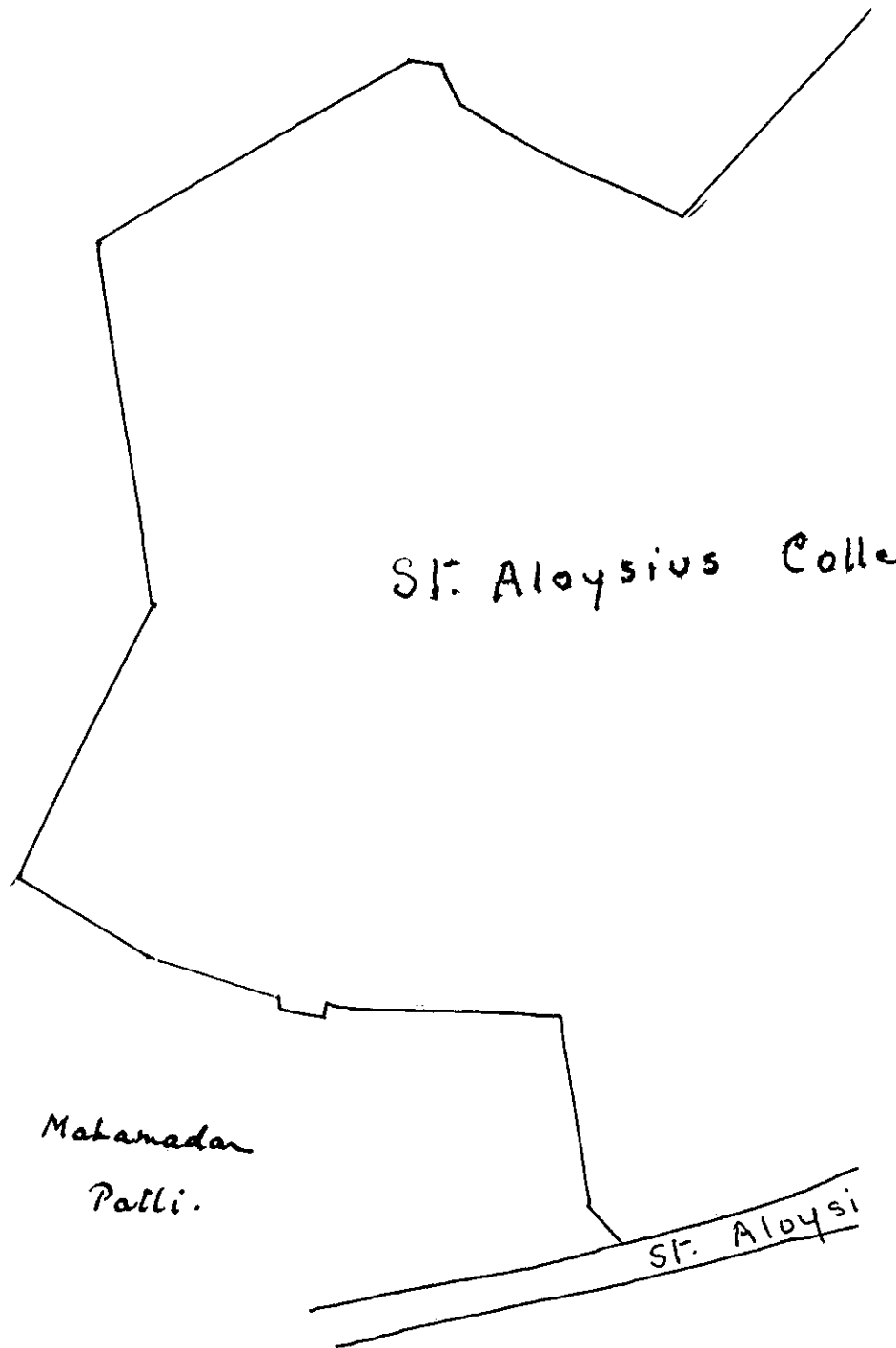
- 1.The Hon'ble Minister for local Administration,
Fort St. George, Madras
- 2.The Hon'ble Minister for Public Health, Fort
St.George, Madras
- 3.The Director of Public Health, Madras
- 4.The Hon'ble Minister for Education, Fort
St. George, Madras.

1. A.L.Pinto, Rao Sahib, Dy. Collector
2. P.Vasudeva Rao, Advocate, Kadri, Mangalore
3. Paralit Venkat Rao, 'Guruprasad', Bendur
4. Ramabai Paralit, President, Mahila Sabha
5. R. R. Talcherkar, Advocate
6. Kamala Talcherkar (Mahila Sabha)
7. M. Kumudini Narain (Mahila Sabha)
8. M. Kesava Pai, Retd.Civil Surgeon (*Rao Bahadur, O.B.E.*)
9. G.Fernandes, Jeppco, Mangalore
10. J.M.Tellis, Jeppco
11. A.C.Baillur, L.C.P. & S.
12. N. K. Bhat, Advocate
13. Rajaram, Dental Surgeon
14. G.E.Saldanha, Dental Surgeon
15. G.L.Saldanha, Dental Surgeon
16. M.T.Kordale, Sub Officer Manager, Bombay Insurance Co.
17. P.S.Karnadkar (*Dr. Prabhakar Rao*)
18. C.F.Lagrado, Falmir
19. R.Ccelho, C/O Dr. A.F.Ccelho
20. Josy Rebello, Tile Manufacturer
21. R.L.Mascarenhas (*Landlord*)
22. B.T.Sons
23. F.Noronha
24. K.Annapurna
25. S.Jalajakshi
26. Arthur Saldanha
27. Y. Narayana Achar
28. P.E.Burckhart, Basel Mission
29. T.Rossel, Basel Mission
30. R.Paul
31. C.V.N.Pais, Manager, Kanara Timbers, Ltd.
32. M.Venraja Padival, Merchant, Jail Road
33. W.C.J.Saldanha, Retd.Traffic Inspector, S.I.Ry.

34. E.Rodrigues (Mrs. H.P.P. Rodrigues Coffee Planter)
35. A.J.Nazareth, Coffee Planter
36. D.Nazareth "
37. E.Lobo, B.A, L.T.
38. B.Noronha
39. J.Monteiro
40. Gopalswamy Sastri
41. B.Shankar Rao, Retd.Civil Surgeon
42. A.J.Lobo, Retd.Head Clerk, Bolcor Coffee Works
43. C.J.Vas, Retired Ry.Officer, M.S.M.Ry. . . .
44. S.Anandi (Mahila Sabha)
45. Rajalakshmi Achar (Mahila Sabha)
46. Mrs. M.Amra Bai, Com.Member of Mahila Sabha (Mrs. Shiva Rao)
47. Mrs. U.Ramra Bai
48. S.Sequeira, Warrant Officer, R.I.N.Retd.
49. E.Braggas
50. M.Castelino
51. J.A.Saldanha
52. K.Mahalinga Bhat, Medical Practitioner, Balmatta
53. L.Rodrigues, Balmatta Road
54. J.J.Vas
55. Vodeyar Doctor, Prema Nursing Home
56. G.M.B.D'Souza
57. A.Pais, Light House Hill, Mangalore (Coffee Planter)
58. B.Furtado, Light House Hill, Mangalore.
59. J.B.Lobo
60. A.G.Fernandes, Bijai, Mangalore
61. E.B.Scans, Light House Hill Road
62. B. Sunder Rao, The Ideal Jewellery House, Mangalore
63. H.Pais, Balmatta Road,
64. M.Karunakar
65. Benedict Heri, Ag. Manager, B.M.Press
66. G.H.Muthu.

67. K.P.Samuel
68. G.Devadatta
69. F.P.S.Albuquerque, Tile Merchant
70. J.A.Brito, Tile Manufacturer
71. G.R.Naik, Tile & Timber Merchant, Mangalore
72. A.V.Rao, Rozario Church Road, Mangalore
73. P.Gonsalves, Light House Hill
74. B.F.Lobo, Tile Merchant & Land-lord
75. A.A.Saldanha
76. M.S.Pais, Retd. Deputy Collector
77. S.M.Pinto (Coffee Planter)
78. M.H.Noronha
79. Sylvester Pais, Coffee Planter
80. S.P.Kamath, Proprietor, Variety Stores, Mangalore
81. Lucy Sreshta (Mrs.M.S.Sreshta) Ladies Club, Light House Hill
82. Kumble R.Rao, Merchant, Mangalore
83. B.Mohammad
84. Minna Saldanha, Falnir (Mrs.R.Saldanha, Coffee Planter)
85. T.P.Moosa Kutty, Timber Merchant, Bunder
86. A.Subba Rao C/O Vithalji Madhavji
87. M.G.Kamath C/O Kamath & Co., Mangalore
88. K.P.Ponnappa (Con.Mem. Mahila Sabha)
89. F.Scans, Retd. Dt. Registrar
90. Frank M.Saldanha, Asst.Controller of Coffee, I.C.Board
91. V.P.Kamath, Rao Bahadur, Retd.Civil Surgeon, Falnir
92. L.E.Mathias, Rose Village, Strurrock Road
93. E.L.Pinto, Coffee Planter, Kadri
94. F.A.J.D'Souza, Coffee Planter, Mangalore
95. S.J.Fernandes, Teacher, St.Aloysius' College
96. Xavier Fernandes, Upper Bunder, Mangalore
97. Ben.D'Souza, Coffee Planter, Mangalore
98. M.Leeladevi (Jail Road)
99. M.Dharmapal Padival, C/O M.S.Padival & Sons, Bunder

100. Mrs. Jayaram Krishnamurthy, President, Ladies Club
- 101 Kanji Kanaiya, Sturrock Road, Mangalore
- 102 B. Ananda Baliga, Dy. Collector on leave, Mangalore
- 103 Devidas Gridharlal, Proprietor, Channirana Bros.
- 104 Chotalal Moradji Dharla
- 105 Ullal Deva Rao, Merchant, Mangalore
- 106 U.C.S. Bhat, B.A., B.L., & M.L.C., Mangalore
- 107 K.Y. Pobjari, Advocate, Mangalore
- 108 K. Sunastini, Member, Govt. Training School Advisory Committee
- 109 U.P. Malliya, M.L.A.
- 110 Hajee Abdul Khader Bava, Merchant, Bunder
- 111 Dada Hajee Ibrahim Balari
- 112 H.C.D' Souza, M.B.B.S., D.G.O., Mangalore
- 113 P. Narayana Rao, M.B.B.S., L.O. Kadri
- 114 W.E. Mascarenhas, M.D., D.T.M.
- 115 R. Somashekar Rao (Mrs. G. Somashekar Rao)
- 116 Mrs. G.R. Pandit, Mahila Sabha Games Secretary
- 117 L. Lobo (Mrs. F. Lobo) Member, Advisory Com. of Govt. Training School
- 118 M. Malini Bai
- 119 Pandit Malini Bai
- 120 M. Unesh Rao L.M.S. D.D.T. Uole
- 121 F. Lobo, Rao Saib, Retd. Deputy Collector
- 122 Mary Brito, Member Com. of Food, etc. 'Rose Villa' Mangalore.
- 123 M. Nagappa Pai, Regd. Medical Practitioner, Mangalore.
- 124 Mrs. A. Satyankar
125. Mrs. F. Soares Member Advisory Committee of Govt. Training School for Women



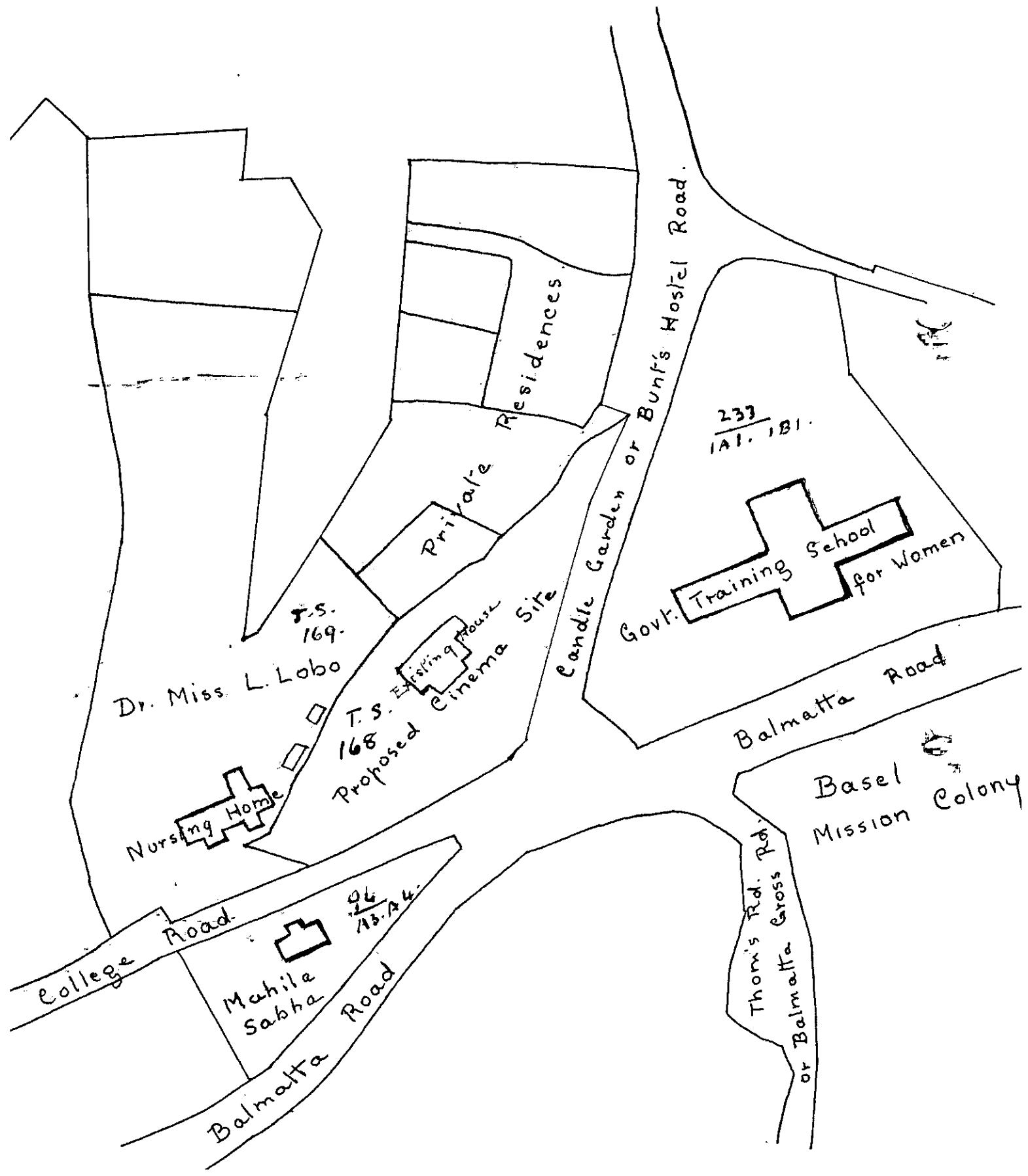
St. Aloysius Colle

Public Library

Mahanadan
Patti.

St. Aloysi

Ladies' Club



Dr. Miss L. Lobo

Nursing Home

T.S. 169

T.S. Existing House
168
Proposed Cinema Site

Private Residences

Candle Garden or Bunt's Hostel Road

Govt. Training School for Women

233
1A1. 1B1.

Balmatta Road

Basel Mission Colony

College Road

Mahila Sabha

96 1/2 13.24

Balmatta Road

Thom's Rd. Rd.
or Balmatta Cross

To

The Collector & District Magistrate

South Kanara

M A N G A L O R E

Petition of

Dr. (Miss) L. Lobo, M.B., B.S., D.G.O.

"Glenview Nursing Home"

Lighthouse Hill, MANGALORE

(Under Section 34 of the Madras District Municipalities Act
and Section 12 of the Madras Places of Public Resort Act)

Showeth as follows:

1. That the Petitioner is running a Maternity Nursing Home in T.S. No. 176/1B, 169 and 174/2 Lighthouse Hill Road, Mangalore, since December 1943. The said Nursing Home is the only one in Mangalore with a resident lady doctor at its head and staffed entirely by women. As such, women of all castes, creeds and communities come freely to the Nursing Home for treatment and confinement, however orthodox they may be.
2. On account of the growing popularity of the institution and its usefulness to the public, the Petitioner was put to the necessity of further extension of the building under the license and permission of the executive authority of the Municipal Council. The extension is under construction and it has cost Petitioner so far Rs 15,000 and the completion of the construction may cost Rs 20,000 in all, not to speak of the outlay incurred and to be incurred by her for better equipment of the Nursing Home, and the value of the site and of the original building therein.
3. Immediately to the east of the Petitioner's Nursing Home lies T.S. No. 168, which until now has always been used for residential purposes. In fact this part of Mangalore is entirely a residential area containing decent residential

buildings and public institutions, such as the Government Training School for Women, the Mahila Sabha building, St. Aloysius' College premises, the Ladies' Recreation Club and the Municipal Library etc. The locality generally does not contain shop buildings and even if there are some, they are comparatively few and far between.

4. The said T.S No. 168 has been recently purchased by the Karnataka Theatres Company, one of whose objects is the opening of new cinemas. Mangalore has already got three cinemas and two more are at present under construction.

5. The said site T.S. No. 168 is situated at a junction where five roads meet; and one of them leading to the Petitioner's Nursing Home, the St. Aloysius' College, the Mahila Sabha buildings, the Ladies' Recreation Club, the Municipal Library and the Lighthouse Hill to which the public of Mangalore, freely resort, especially towards evenings, commences right in front of the said site.

6. With a view to construct a cinema building on the said site, the Karnataka Theatre Company applied in writing to the Executive Authority of the Municipal Council for approval of the said site for a cinema. It may be stated that the site is within the area of a Town Planning Scheme which has been published but not sanctioned so far.

7. The application being one in connection with a cinema should have been made under Section 197 of the Madras District Municipalities Act and also under Section 4 of the Madras Places of Public Resort Act. Reading Section 370 of the Madras District Municipalities Act with Sections 5, 6 and 7 of the Madras Places of Public Resort Act, the Executive Authority of the Municipal Council is the licensing authority under the latter Act. The same officer is also the Executive

Authority to approve sites and to grant permission to construct buildings under Section 197 of the Madras District Municipalities Act. The application submitted by the Karnataka Theatres Company did not however disclose under what provision of law it was made.

8. The Municipal Council, Mangalore, has constituted a Town Planning Committee under Section 37 of the Madras Town Planning Act and has delegated to it certain powers which however do not include the power of approving sites for cinemas. With reference to Town Planning Schemes published but not sanctioned, the powers of the Municipal Council and by delegation of the Committee are those contained in Section 17 of the Act and are limited only to the grant or refusal of permission to construct in areas contemplated by the said Section. The Committee has thus legally no right to approve of a site for a cinema in the area included in the Scheme. This application for approval was sent to the Town Planning Committee who by their proceedings dated 25th June 1946 approved of the site, the President of the Committee dissenting. A copy of the Proceedings and the President's dissenting note is appended hereto.

9. The said Proceedings are ultra vires of the Committee, the power of approving a site for a cinema not having been expressly delegated to it under Section 37 of the Madras Town Planning Act.

10. Following the said Proceedings of the Town Planning Committee, the Commissioner also approved of the site by Order dated 5-7-1946, a copy of which is appended hereto.

11. The application for approval of a site for a building and for permission to construct it, is governed by the provisions of Section 197 of the Madras District Municipalities Act. The application in question complied with the provisions of section (1) of the Section; but no application was made

sub-section (2) thereof nor were the requirements of that sub-section complied with. The Commissioner acting under the powers conferred on him by the District Municipalities Act could not approve of the site without ascertaining whether there were grounds for refusal to approve of the site mentioned in Section 203. In fact, before approving the site or before granting permission to construct, the Commissioner should have insisted upon a compliance with the requirements of sub-section (2) of Section 197 and then the two applications under Section 197 should have been considered by him together with reference to Section 203. Ground No. 1 mentioned in Section 203 contemplates a refusal if the ^{use} ~~use~~ of the site for the work would contravene "some specified provision or any law."

Section 7 of the Madras Places of Public Resort Act provides that the licensing authority before granting a licence should be satisfied that no objection arising from the situation of the place or building or the purpose proposed exists.

Section 4 of the Act provides that certain requisites prescribed therein should be first complied with, and Section 5 makes it incumbent on the licensing authority to inspect the place before the application made under Section 4 is granted. The provisions of Section 4, 5, 6 or 7 were not complied with in the present case.

12. By approving the site under Section 197(1) alone, the Commissioner has practically precluded himself from exercising his powers and discretion under Section 7 of the Madras Places of Public Resort Act ^{and under section 203 of the Madras District}. The approval given by the Executive Authority is under the circumstances illegal and opposed to the provisions of both the Madras District Municipalities Act and the Madras Places of Public Resort Act.

Both the Town Planning Committee and the Commissioner

were aware before they passed their respective orders that there were numerous objections arising from the situation of the place and the intended purpose, yet their objections were not enquired into but the same were shelved for future consideration, as the limitations attached to their respective orders would show. The objections came from the Rector and Principal of St. Aloysius' College, a large educational institution, the Mahila Sabha, the Superintendent of Government Training School for Women, the Inspectress of Schools, the Basel Mission Colony in the neighbourhood and numerous residents of the locality including also parents of the school children attending the St. Aloysius' College and the Government Training School for Women. In fact, the two important institutions for the benefit of women and children, namely the Mahila Sabha and the Training School are situated right in front of the proposed site with only a road between. The objection of the Petitioner as the Proprietrix of the Maternity Nursing Home was utterly disregarded. The authorities failed to note that the erection of a cinema immediately adjoining the Maternity Nursing Home premises would deprive the patients of the privacy, quiet and seclusion which they have so far enjoyed and which in the main encouraged purdah and Hindu orthodox ladies to avail themselves of facilities for treatment given to them as in-patients and out-patients. The disturbance, noise and large crowds of people, often of an undesirable kind, which a cinema entails and attracts, will be a source of discomfort, disquiet and annoyance to the patients, especially when they are in their labour pains and often in a critical state. No amount of safeguards which the Executive Authority could hereafter provide would mitigate the distress and discomfort of the patients resulting from a cinema running for a considerable part of day and night within a few yards from the Nursing Home.

14. The Petitioner filed two appeals before the Municipal

Council against the Proceedings of the Town Planning Committee and of the Executive Authority respectively; both the appeals were heard together and were dismissed by the Council on 2-9-1946 without going into the question of the legality or otherwise of the orders under appeal and without any regard to the numerous objections urged before them. A copy of the Resolution is appended hereto.

15. The Executive Authority, the Town Planning Committee, and the majority of the Council have failed to see that objections arising from situation of the place and the intended purpose had to be heard and considered before the site was approved. They also failed to see that once the site and purpose was approved, the permission to construct a cinema and to run it would follow as a matter of course, so long as there were not the other grounds mentioned in Section 203 of the Madras District Municipalities Act and Sections 4, 6 and 7 of the Madras Places of Public Resort Act, the proprietor taking precious good care to see that such grounds do not exist. The Municipal Authorities have thereby failed to redress the grievances of a large section of the public and left them to the tender mercies of the owners of the cinema without a remedy. Their action is both illegal and ultra vires of the Madras Places of Public Resort Act and the Madras District Municipalities Act.

16. The Petitioner relies on the dissenting note of the President of the Town Planning Committee and the dissenting minutes of the Vice-Chairman and other Councillors who formed the minority.

17. The District Magistrate under Section 12 of the Madras Places of Public Resort Act is competent to interfere and set right the irregularities that have crept in the proceedings. The Collector of the District is also competent under Section 34 of the Madras District Municipalities Act to

call for all the papers relating to the application in question, the enquiry thereon and the proceedings so far taken, and also call for the information relevant to the matter in question and record in writing for the consideration of the Council and the Executive Authority any observation which the Collector may think proper in regard to the Proceedings in question.

It is prayed that such controlling action may be taken

It is also prayed that pending disposal of this petition, further proceedings in the matter of grant of permission or licence to construct or run a cinema may also be held in abeyance.

M A N G A L O R E)
23rd September '46)

L. Lobo
Petitioner

EXTRACT FROM THE PROCEEDINGS OF THE MANGALORE MUNICIPAL COUNCIL

Dated 2nd September 1946

*

*

*

Resolution No. 13.

C3/8155-46--Appeal petitions dated the 8th July 1946 and 23rd July 1946 from Dr. Miss Lobo, against the approval of the site by the Town Planning Committee for the construction of a Cinema House in T.S. No. 168 of 15th Ward by the Karnataka Theatre Company and against the order of the Commissioner, approving the site for the construction of a Theatre in the above T.S. No. 168 of 15th Ward with the file of connected papers.

Heard Mr. P. D'Souza, B.A., B.L., Vakil for the appellant and Sri B. Vaikunta Baliga, B.A., B.L., Vakil for respondent in both the appeals. When the arguments on both sides were concluded and Sri M. Mukunda Nayak was about to speak, Mr. C. L. Lobo, Vice-Chairman raised a point of order namely that whether the members of the Town Planning Committee could take part in discussion and vote in connection with this appeal. Chairman ruled that the members of the Town Planning Committee can take part and vote in the above appeal by virtue of their being members of Municipal Council.

After considerable discussion the question of the appeals are to be allowed or rejected was put to vote. 7 votes for allowing the appeal and 13 against. 2 remained neutral (Messrs. B. G. Das and M. Ramappa). Chairman did not take part. The Chairman then declared that the appeal failed and therefore rejected.

*

*

*

Sd: H. Husein Saheb

Chairman, M.C.

No. C.A. 196/46-47

True extracts granted to Dr. Miss Lobo as per her application dated the 4th September 1946.

Municipal Office, Mangalore)

Dated the 5th Sept. 1946.)

Sd: S Narayan Shenoy

5 9 46

Commissioner
Mangalore Municipality

Proceedings of a meeting of the Municipal Town Planning Committee held in the Municipal Office at 5.30 p., on 25th June 1946.

Present

M. S. Sreshta, Esq., President

Sri A. Shanker Alva

Sri Rao Saheb P. R. R. Punja

Sri M. Mukunda Nayak

Janab U. Ahmed Hussein Saheb Mahadur

Read application from Karnataka Theatre Company for the construction of a theatre in T.S. No. 168 of 15th Ward.

The majority of the members are of the opinion that the application should be allowed and add that conditions may be imposed when the application for erecting a building is made to ensure that all reasonable objections urged by the objectors are met.

The President dissents and will put up a note.

The site is approved four voting for the approval and one voting against it.

Sd: M. S. Sreshta

President Town Planning Committee

True extract is granted to Miss L. Lobo as per her application dated 26th June - vide C.A. No. 129 of 1946-47.

Municipal Office, Mangalore)

Dated the 2nd July 1946)

Sd: M. Narayana Shenoy

4 7 46

Commissioner

Mangalore Municipality

Reasons for my dissent

I regret to have to differ from the other members of the committee as to the order to be made on this application.

Several objection petitions have been received against the application. All the neighbours appear to be against its being granted. The Town Planning Officer says in his report of 15th ultimo that so far as he could gather, the general opinion is not in favour of locating the theatre at this place. The neighbours and signatories of the objection petition belong to different communities, Hindus, Catholics, and Protestants. The institutions objecting include Miss (Dr.) Lobo's Maternity and Nursing Home which adjoins the site on which the Cinema House is sought to be built, St. Aloysius' College which also adjoins, and the Government Training School for Women and Secondary School for Girls, which faces this site and is separated only by a public road. There are other institutions close by, persons connected with which are objecting. The Inspectress of Girls' School, the Superintendent of the Training School for Women, the Rector of St Aloysius' College, the President of the Basel Mission in India, parents of students of the College and Training School and several professional men are among the objectors.

We have for our guidance in dealing with this application 7(b) of the Places of Public Resort Act, under which a licence has to be obtained for the proposed Cinema. This section provides that the Licensing Authority should be satisfied inter alia that no objection arises from the situation of the site and the proposed purpose.

The functions of Town Planning include the imposition of conditions and restrictions in regard to the purposes to which buildings or specified areas may or may not be appropriated. (4- of the Town Planning Act). Town Planning is not to be directed merely to satisfy physical wants, but should also aim at providing and developing cultural amenities and moral health. It is therefore our duty to interfere with the object of the application in the construction of a Cinema, which is not desirable in this locality.

This is one of the finest residential localities in this town, with its calm atmosphere and good buildings have sprung up in it. It is well-fitted for Educational and Cultural Institutions, which have sprung up in the hill, the College, Clubs, the Public Library etc. The site in question lies at the foot of a hill which in the words of Mr. Simham, Dy. Director of Town Planning (p. 27 of his Civic Survey of the Mangalore Municipality, 1929) is the "chief beauty spot in the town." "To this Hill", he says, "people resort for open air. The roads leading to the hill are carefully laid. The view from the hill of the town, the backwater etc. is exquisite." The atmosphere of quiet and calm of this locality, including the hill, would certainly be disturbed by the opening of a Cinema House in the site in question, with the crowds and traffic that will be attracted, and the number of stalls and petty structures that will spring up in the neighbourhood.

Would we be adding to the usefulness of the College and schools and other institutions in the neighbourhood and seconding their efforts, by permitting the construction of a Cinema close to them. According to the Rector of the College, 2300 students pass up and down the road past the site in question and the Cinema will be a great source of distraction to them and matinees on working days which include Saturdays will be a cause of absenteeism.

31/1 What is the call for disturbing the quiet of the locality and adding to the distractions of the students of the College and other institutions. Miss (Dr.) Lobo says that several women attend her nursing and maternity Home for confinement etc. She gives other reasons for objecting to the application.

A Cinema is useful in its own way but in the present state of the law, it is not in the power of the State to exercise ^{stricter} a ~~stricter~~ control over Cinemas and the films shown, and it would certainly be in the interests of the College and other institutions if this Cinema is located further away from them.

Some personalities were brought in. The applicant has invested money in buying the site in question. But this is a valuable site which he can probably sell without loss if not with profit. The question however must be looked at not from the point of view of interests of individuals but having regard to the larger interests of the residents and institutions in the neighbourhood and the interests and amenities of the general public and the town as a whole. The use of localities like the one in question for Cinemas amounts to their ^{exploitation} ~~exploitation~~ for the benefit of the capitalist at the expense of the comfort and amenities not only of the neighbours but of the general public.

The fact that cinemas have been built near schools elsewhere does not prove anything. Perhaps no objection was raised by the neighbours. I believe that all these Cinemas are outside the Town Planning areas and the applications regarding them were not considered by the Committee. In any case there is no need to repeat previous errors and to overlook the spirit of the Town Planning Act. Industrial areas have been established too in the interests of the Health of the Public. The Council has set its face strongly against nuisances, and the opposition to the Carlew Factory in Urva is an instance. Although a Cinema is not an industry and a nuisance in the same sense we shall be but following our past policy and adhering to the spirit of Town Planning by keeping Cinemas as far away as possible from localities which are popular residential areas and educational and cultural centres.

Sd: M. Sreshta

27/6/46

True extract is granted to Miss L. Lobo, as per her application dated 26-6-1946 Vide C.A. No. 129/46-47.

Sd. M. Narayan Shenoy
4 7 46
Commissioner
Mangalore Municipality

R.F. No. 54/46-No.4849-46

Municipal Office, Mangalore

Dated the 5th July 1946

Endt. on the application dated the 19th April 1946 from the Secretary, The Karnataka Theatres Ltd. Hampankatta, Mangalore, requesting approval of site T.S. No. 168 of Ward No. 15 for the purpose of constructing a permanent Cinema House

The site T.S. No. 168 of 15th Ward is approved for the construction of a building for use as a Cinema House.

The petitioner is informed that the above approval does in no way commit the municipality to the grant of licence for the construction of the building under the Building Rules or for the grant of any other permissions or licences that may be required under any other rules or enactments for the time being in force for running a cinema etc.

Sd: M. Narayana Shenoy

6 7 46

Commissioner
Mangalore Municipality

To

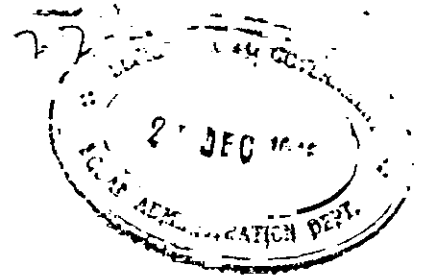
The Secretary

Messrs. Karnataka Theatres Ltd.
Hampankatta, Mangalore

Copy to Sri N. Krishna Bhat, B.A., B.L., Advocate and Landholder residing in T.S. No. 98/1 of 15th Ward, Mangalore (the first signatory on behalf of the residents of Balmatta, Mangalore.

FROM

THE KARNATAKA THEATRES, LTD.,
"JAYANT BUILDING,"
MANGALORE.



To

The Hon. Minister for Local Administration
Govt. of Madras.

Sir,

We beg to introduce ourselves as a public limited liability Company. The Company had been incorporated in October 1945 with the primary object of promoting the film industry and particularly to construct and own picture houses both in urban and rural areas of the District.

In pursuance thereof the Company has purchased four sites in the district roughly at a cost of one lakh of rupees.

The site at Mangalore has been acquired at a cost of about Rs62,000. Immediately thereon, the company applied to the Municipality for permission to build the theatre. While the application was pending inquiry, one Dr. (Miss) Lobo, the owner of the adjoining compound, who has a private nursing home with three or four beds, called on the Secretary of the Company with a request that the Company may sell to her 11½ cents of land abutting and projecting into her compound with a view to round off her compound. Negotiations failed and then it is that Dr. (Miss) Lobo filed her objections to the Municipal Council and went round canvassing support from the residents of the locality. Departmental inquiries over, the matter was posted before the Town Planning Committee who having heard lawyers on either sides and as well as

the other objectors including the objection filed by the Principal of the St. Aloysius College, finally approved the site for the construction of a theatre by a majority of 4 to 1.

As against this order Dr. (Miss) Lobo filed an appeal to the Municipal Council. The Municipal Council after reviewing the entire matter and giving opportunities to lawyers to argue on both the sides finally rejected her application and confirmed the earlier decision of the Town Planning Committee by a overwhelming majority 13 to 7.

Dr. (Miss) Lobo had also filed several petitions before the Collector of South Kanara who after departmental inquiry has, we understand rejected her applications.

The entire agitation has been engineered and sponsored by Dr. (Miss) Lobo for the simple reason that she has not been able to secure the 11½ cents of land from the Company.

Right from the beginning Dr. (Miss) Lobo has been trying to give the whole matter a communal twist, as is evidenced from the fact, that both in the Town Planning Committee and in the Municipal Council only the Catholic members voted against the issue of licence to the Company, while all the members without exception belonging to all castes and creeds, Muslims, Gowd Saraswats, Brahmins, Bunts, Billavas and Harijans voted for the issue of the licence.

Now we understand that the Rector of the St. Aloysius College has sent up a Memorial to the Govern-

ment as against the order of the Municipality. The Rector's objections were fully considered by the Town Planning Committee and reviewed by the Municipal Council. We are led to believe that the present objections at this late stage by Rev. Fr. Rector of the Aloysius' College, has been engineered by the same Dr. (Miss) Lobo, whose family is not only the donor of the College site but also a very influential member of his community.

The statement by Fr. Rector that the theatre compound is hardly 50 yards from his Hostel is not correct. Besides the said proposed Hostel Building which at best could accommodate 10 to 15 students was acquired by the College authorities long after the site for the theatre was approved. In fact the main College Hostel buildings are on the other side of the hill about 3 furlongs away from the Theatre site.

The fact that the Rector has not cared to object to another theatre which is now under construction, hardly 60 yards away from the main college hostel on the Karnad Sadashiva Rao Road, would also bear out our statement that the objections raised are baseless and inspired.

Here we may point out how the other three Theatres in the Town are situated. The Central Talkies at Hampankatta is barely 50 yards from the Government College and is almost facing it. The Balaji Talkies near Car Street is right across the Mission High School, with only a narrow road dividing them. The New Chitra Talkies is also situated at the end of the same Street, about 100 yards from the Mission High School. In the light of the above facts, the objections of the Rector, might not be sustainable, when the proposed theatre plot is more than 2 furlongs

away from the College.

While the Bishop of Mangalore has not objected to Theatre on Karnad Sadashiva Rao Road, even though it is hardly 50 to 60 yards from Kodialbail Church, it is strange that Basel Mission Church people, whose chapel is over 2 furlongs away from the proposed theatre should object, when as a matter of fact their chapel hardly 20 yards from their huge Printing Press and Hosiery Factory where over 500 people are employed.

The proposed theatre is hedged in between the Commonwealth Iron Works on the one side and the Commonwealth Hosiery Factory on the other. In view of these facts, one wonders, how any objection could be raised against the construction of the theatre on grounds of public health and nuisance. The plot in question is nearly 1½ acres and the proposed theatre would be a garden theatre, with vast open space all round. The site faces 5 main roads and it would facilitate traffic, however congested it may be. Apart from this the Company has engaged the services of the well-known Madras Architect, Mr. L.M.Chitale, at heavy cost to the company for conceiving and constructing an ultra modern theatre accoustically perfect and with ideal sanitary conditions. We therefore beg to submit that the location of the theatre here would not only add to the beauty of the City but also cater to the needs of thousands of people living round about the place. A copy of the mass petition signed by the residents to the Collector of South Kanara is enclosed herewith ~~with~~ which is self-explanatory. Utterances and Radio broadcasts by eminent men that cinemas are to be classi-

ried among the necessities of life and that they are social amenities, that the State ought to provide for the masses are indeed matters for consideration. The government policy that all educational institutions should, if possible, have a picture house attached to the College are also matters for consideration. A sister Jesuit institution verily a bigger institution than the Aloysius College has a permanent cinema house in the Loyola College premises, Madras and one wonders why and how the Principal of the Aloysius' College could object to a theatre to be built about 2 furlongs away from the College.

A reference to Government Memorandum, Education and Public Health Department No.7922-3-F.2-P.H. dated 29-4-46 communicated on 29-6-1946 would clarify the position as the rights of parties with regard to construction of theatres.

Both the Town Planning Committee, the Municipal Council and the executive authority, after careful consideration of all the various points involved have finally approved the site for the construction of the Cinema House. Any interference by the Government would mean an encroachment of rights and privileges of such democratic institutions and thus retard their progress in the right line.

Besides, investing Rs.62,000 on land, the company in furtherance of the order of the Municipality approving the site has placed orders for necessary machinery at a cost of about Rs.40,000 and made huge advances thereon. The Company in execution of their work, have demolished a pucca building on the site valued at not less than

Rs.25,000. Any interference at this late stage by the Government would result in a loss of Rs.1,25,000 to the Company.

In the circumstances set out above and particularly in view of the fact that interference by the Government would mean heavy damages, we humbly pray that the Government may be pleased to reject all objections and confirm the order of the Mangalore Municipality.

We have the honour to be,

Sir, .

Your most obedient servants,

FOR THE MANGALORE TRUSTEE CO. LTD.
For JANASCO'S LTD.,
Managing Agents,

P. G. S. S. S.
Secretary

To

The Collector and District Magistrate,
South Kanara,
M a n g a l o r e .

Sir,

We, the residents of Kankanady, Maroli, Padav, Kadri, Kodiyalbail and Attavar, beg to place before you the following facts relating to the construction of a Cinema Theatre in Balmatta, Mangalore, for sympathetic consideration and necessary action.

2. It is needless for us to submit, as Your Honour is already well aware that in Mangalore Town, the pioneers of Cinema Line have not been fair to us inasmuch as they have not so far thought of establishing even a single Cinema Theatre at a place convenient and within the easy reach of our localities, but were concentrating their attention in congested areas which are far away from our factories and residences. We venture to submit that besides the three theatres which are already running on the western side of the town two more are under construction at places not very far from the existing ones.

3. We submit that most of the respectable citizens have moved to Kankanady, Kadri, Kodiyalbail and Padav villages on account of the incidence of Filaria and other epidemics such as plague, cholera, small-pox, etc. in the localities situated to the west of the roads converging north and south of Hamparkatta junction.

4. We submit that nearly three-fourths of the population of Mangalore Town live in Kankanady, Kadri, Padav, Maroli and in portions of Kodiyalbail and Attavar villages situated to the north of Hamparkatta junction. Further,

Your Honour is already aware that most of the Handloom and other factories are situated in the abovesaid area and that these labourers are also having no recreation of any kind except attending cinemas now and then. These labourers find it very difficult to walk over to the existing cinemas after their days' work as they are in some cases working or residing more than three miles away. Even if do go, they find it very late when they return home after attending the Show.

5. We submit that there are a number of hostels in the abovesaid area and these students find it difficult to attend the Shows in the existing Theatres as they have to walk the distance to and from the existing theatres or pay heavily for conveyances. We may also submit that more than half the number of lawyers reside in the abovesaid area.

6. Further, ladies and children in these areas have to forego their recreation as the conveyance charges now prevailing is prohibitive to attend the existing cinemas. Moreover, they also find it inconvenient to attend shows in those localities on account of heavy traffic and congestion.

7. We learn that the Karnataka Theatres, Limited, are thinking of constructing a Cinema Theatre at the junction of five roads in Balmatta and in our opinion there is no other locality so conveniently suited to us. The site for the location of the Theatre would be ideal viewing it from all aspects of the questions, health, traffic and proximity of distance.

We, therefore, pray that you may be pleased to grant all such facilities to them as are necessary to expeditiously construct the Cinema Theatre at the Balmatta corner.

/True Copy /

R. S. S.

L.Dis.No.22809--"-Hyg/'46. Office of the Director of
Public Health, Egmore, Madras-
Dated 29th June 1946.

Subject: Licence - Tadpatri Municipality - Construc-
tion ~~and~~ of theatre and installation
of an oil engine in S.No.591-E.1.

Read. Government Memorandum No.7922-3-F2-P.H., dated
29th April 1946.

A copy of Government Memorandum ready above is
forwarded for information.

Sd/ R.Ananthan Pillai, 29-6-46.
For Director of Public Health,
Madras.

By order.
Sd/ d d
Manager.

Copy of Government of Madras, Education & P.H.Department.
Memorandum No.7922-3-F2-P.H., dated 29th April, 1946.
Re: From the Municipal Commissioner, Tadpatri, No.79-46-
D1. dated 31-1-46.
From the Director of Town Planning No.L.Dis.606/46 dated
9-4-46.

--

The Municipal Commissioner is informed that there is
no objection to the construction of a building for use
as theatre and installation of an oil engine of 10 horse
power for the same purpose in a residential area. He
may therefore carry out the Tadpatri Municipal Council's
resolution No.360-45 dated the 24th September, 1945.

2. The party should be clearly informed that permission
for the construction of a building for a theatre does
not automatically carry with it any permission or licence
under the Places of Public Resort Act or the Cinemato-
graph Rules for which separate action will have to be
taken by the party.

3. Permission under section 250 of the Madras District
Municipalities Act will also have to be granted by the
Council for the installation of the oil engine on an
application from the party. This is a matter for the
Council to decide.

4. The Director of Town-Planning is informed that
G.O.No. 4054, Public Health, dated the 3rd September
1940, applies only to industries and not to cinema
construction or installations.

P.S.Viswanatha Ayyar.
Deputy Secretary to Government.

/True Copy /

NOTE OF DISSENT.

The following are the reasons why I dissented from ~~the majority~~ when the resolution was passed in the Municipal Council on Monday, the 3rd instant, rejecting the appeal against the approval of the site by the Town Planning Committee at the foot of Adyah Hill for the construction of a Cinema House.

In the first place, I am of the opinion that under Section 37 of the Town Planning Act the question of approving this site could not have been exercised by the present Town Planning Committee. A resolution of the Council was drawn at the meeting, which authorised the appointment of a Committee under this Section and under Sections 63 and 73 of the Municipalities Act. No delegation was necessary under the latter two sections whereas, a delegation is required under Section 137 of the Town Planning Act. No powers however were delegated to the Town Planning Committee appointed under this Section. The result is that the Committee cannot exercise powers which were not delegated to it. It was argued that when the Town Planning Committee was appointed in 1938 the resolution by which the appointment was made delegated certain powers including the power of approval of sites. In the first place the powers delegated to that committee do not necessarily devolve on to a committee which is a new one and that a continuation of the old one. And again there is force in the argument that in the list of powers delegated to the Town Planning Committee in 1938 was included only approval of the construction of a building and not approval of the site for the building. In the present case the application is not for the construction of a building but only for the approval of a site.

In the merits, several objection petitions have been received against the application. All the neighbours appear to be against

its being granted. The T.P. Officer says and his report of 15th May last that as far as he could gather, the general opinion is not in favour of locating a theatre at this place. The neighbours and signatories of the petitions belong to different communities, Hindus, Catholics and Protestants. The institutions objecting are Miss (Dr.) Lobo's Nursing Home which adjoins the site on which the Cinema House is sought to be built, St. Aloysius' College which also adjoins, and the Government Training School for Women and Secondary School for Girls, which faces this site and is separated only by the public road. There are other institutions close by. The Inspectress of Girls' Schools, the Superintendent of the Training School for Women, the Rector of St. Aloysius' College, the President of the Basel Mission, parents of students of the College and Training School, and several professional men are among the objectors.

Section 7 (b) of the Places of Public Resort Act, under which a licence has to be obtained for the proposed cinema, provides that the licensing authority should be satisfied inter alia that no objection arises from the situation of the site and the proposed purpose.

This is one of the finest localities in this town - quiet and well-fitted for educational and cultural institutions. The hill, at the foot of which, the site in question lies, is in the words of Mr. Mahan, Assistant Director of Town Planning, (P.27 of his Civic Survey of Bangalore Municipality, 1929) "the chief beauty in the Town" "To this hill" he says, "people resort for open air. The roads leading to the hill are carefully laid. The view from the hill, of the town, the back-water, etc. is exquisite". The atmosphere of quiet and calm of this locality would certainly

be disturbed by the opening of a Cinema House on the site of the question, with the crowds and traffic which will be attracted, and the number of stalls and petty structures which will spring up in the neighbourhood.

What is the call for disturbing the quiet of this locality and adding to the distractions to the students of the College (about 2500 go along the road skirting this site, daily, according to the College Rector's letter) and the Government training school.

The function of Town-Planning includes the imposition of conditions and restrictions in regard to the purposes to which buildings and or specified areas may or may not be appropriated (4 - n of the T.P. Act). Town Planning is not directed merely to satisfy physical wants, but also to provide and develop cultural amenities and moral health. Would we mean to the usefulness of the College and schools and other institutions in the neighbourhood and seconding their efforts by permitting a Cinema to spring up in this locality, close to them? A Cinema is useful in its own way; but in the present state of the law, it is neither in the power of the State or the management to exercise a strict control over the films shown; and it would be in the interests of the Colleges, etc. if this Cinema is located further away from them. The use of localities like the one in question for Cinema is amounts to their exploitation for the benefit of the capitalist, at the expense of the comfort and amenity of the neighbours and the general public.

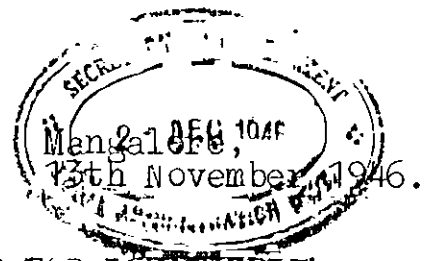
The fact that Cinemas have been built near schools, elsewhere in the Town, does not prove anything. Perhaps no objection was raised by the neighbours; and I believe that all these Cinemas are outside the areas for which Town Planning schemes have been prepared, and the objection in respect of them were not con-

considered by the Committee.

In any case there is no need to repeat previous errors and to overlook the spirit of the Town Planning Act. Industrial areas have been established in the interests of the health of the public. The Council has set its face strongly against nuisance and the opposition to the Dushow Factory in Urwa is an instance. Although a Cinema is not an industry, we shall be but following our past policy and adhering to the spirit of town planning by keeping Cinemas as far away as possible from localities which are popular residential areas and educational and cultural centres.

I am afraid that the question involved has been decided more with reference to personalities than on the larger interests involved.

Evidently sympathy was felt for the counter-petitioner viz., the Karnataka Theatres Co. who have already purchased the site in question and on whose behalf it is pleaded that a large sum of money has been invested in very expensive machinery. But none has the right to try to force the hands of the Municipality by such a plea and the site being unique and valuable can be easily resold even probably at a profit. No doubt the Company has already canvassed for and secured a large number of share-holders and supporters and the promoters belong to one of the most powerful communities of the District. This, I am afraid, has been an important factor in the disposal of the appeal. Many members looking at the matter as a struggle between the appellant on the one hand and the Theatre Company on the other, decided in favour of the latter. They quite ignored the strong case in favour of a Maternity Hospital and they quite over-looked that practically all the neighbours, schools, etc. belonging to several communities have opposed the application.



TO

THE HON'BLE THE MINISTER FOR LOCAL SELF-
GOVERNMENT,

FORT ST. GEORGE, MADRAS,
CAMP: MANGALORE.

FROM

DIWAN BAHADUR P. C. LOBO,
RETIRED DISTRICT & SESSIONS JUDGE,
"GRASMERE," BIJEY CHURCH ROAD,
MANGALORE.

Sir,

1. I request permission to submit to you some aspects of the matter now under your impartial consideration. I am arranging them in three main paragraphs, relating first to the merits of the controversy, second to some subsidiary unsatisfactory matters and next to my apology for having approached you at all, when my wife and daughter can present their case quite ably without my help and when the whole neighbourhood of the locality have objected.

2.(a) When the St. Aloysius College is providing to-day hostel accommodation on a non-communal basis and proposes to increase it when land is available, the primary need of the locality is a hostel for girls of all communities, - especially so, as for generations to come a sufficiency of trained women teachers is a necessity. This hostel accommodation is required not only for the pupils till the Sixth form that attend the Government Training School for girls but also to lessen the over-crowding of the Iswarananda Mahila Seva Ashram located about 300 yards north and even the expanding needs of the Bunt Girls' Hostel situated about a 100 yards west thereof. In fact this latter

Girls' Hostel had, at the pressing request of Mrs. R. S. Punja been located for about two years in my wife's house and would have continued there had it not been that my wife wanted to give it to my daughter for her Maternity Nursing Home.

(b) A new extension of the St. Agnes' College is contemplated about $2\frac{1}{2}$ furlongs to the north-east. Its large walled-in road frontage can be readily seen when you drive past from the Officers' Travellers' Bungalow where you are granting interviews this noon.

3.(a) The Secretary of the Karnataka Theatre Company relied on a mere travesty of facts, when he said yesterday at the local inspection that the opposition of my daughter and wife was motivated by their failure to obtain from the Company a few cents of land. This travesty was immediately objected to by me; and I also referred to a communication addressed to the Parliamentary Secretary by the President of the Karnataka Theatre Company, extracts whereof concerning my wife were communicated to her by the Parliamentary Secretary. It will be but fair if the President of the Company will retract the allegations gratuitously made therein of certain views not given expression to by her and not even entertained by her. When the former Christian owner had agreed to sell his premises, a commission agent approached me twice about the acquisition of the few cents of land lying wedged into the Nursing Home Compound, to which I replied that we would deal direct with the purchaser. Later there were negotiations about those few cents of land between my wife and some of those that appeared to be the purchasers;

on the footing that a hotel was going to be built in the premises. But when later still my wife came to know that the Karnataka Theatre Co. were the purchasers and were going to build a Cinema, she dropped the negotiations altogether. The unchronological and twisted allegation made at the ^{local} ~~last~~ inspection is a futile travesty of facts. Further the improper attributing to my wife of giving expression to ideas that were not even entertained by her requires to be withdrawn by the President of the Karnataka Theatre Co. in writing.

(b) Twice the consideration of my daughter's two appeals to the Municipal Council was put off by the Municipal Council: and prior to the third occasion the Karnataka Theatre Co. succeeded in securing a majority. By this time the support of the Bunt Tahsildar of Mangalore who till recently was residing in the dismantled premises, bore fruit. Thus an indelible stain has been cast by that Tahsildar on the fair name of the executive administration of Mangalore.

(c) In a purely non-communal matter, arising in a non-communal locality and relating to the interests of a non-communal college, a non-communal Government Girls' Training School, a non-communal Commonwealth Trust and a non-communal private maternity nursing Home - all of which serve a public purpose and deserve to expand in public interests, ^{and relating to the interests of two clubs for ladies,} the Karnataka Theatre Co. at first succeeded in securing the support of the four Hindu members of the Advisory Town Planning Committee against the views of its President as appearing in his memorandum, and later succeeded in segregating all the

Christian Municipal Councillors that attended the meeting on 2-9-1946 from the rest, viz., all the Hindu and the Muslim Councillors that attended the meeting. It is worth emphasising that not one Hindu Member of the Town Planning Committee could support its President and that not one of the seven Christian members of the Council attracted a single Councillor from the Hindus and Muslims that opposed them or from the two Hindu neutrals. The Karnataka Theatre Co. is primarily responsible for this sorry communal debacle, that must shake the confidence of the rate-payers of this Town in the Municipal Council's safe custody of the public interests of the Mangalore Municipality.

(d) The Municipal Commissioner has in effect, dealt in a single order with two distinct and successive stages in the matter of the approval of the site for a building and the granting of a licence for a cinema building.. The Municipal Council ignored this illegality and even the breach of Sections 4 to 6 of the Places of Public Resorts Act by the Karnataka Theatre Company.

4. (a) Having mentioned the above two aspects on the merits and the above 4 aspects on subsidiary points, which may be dealt with after disposal on the merits, I beg your leave to offer my briefly worded apology for writing the above. I am 68 years old and cannot brook this wrong doing: and I long for purity in Administration. It is five years since I have settled down in my native town of Mangalore: and in connection with para 2 (b) above, it would not be amiss for me to say that my wife and I in the very first of the said 5 years put up a building for Home Science in the non-

communal St. Agnes College premises, which is now being used for the last two years for the new optional of Household Arts for the Intermediate Course of the Madras University. I am a permanent resident in the Bijey portion of Mangalore about 6 furlongs north of the locality from my very birth, though between 1897 and 1940 I have wandered about in England and different parts of the Carnatic and the Deccan. I can speak with personal knowledge and as one holding communal views, the only safe avenue to Nationalism. My official antecedents have helped me to practise truth even against my personal interests.

(b) "There is a divinity that shapes human ends rough-hew them how we will." I pray that the National Provincial Government of Madras may prove to be an Instrument of the Divine Will, both in the solution of the great problems of the Province of Madras ~~but~~ also in the solution of the Parochial Problems arising everywhere in the province.

(c) Most sincerely I thank you for the patience you evinced yesterday and you are evincing to-day. I pray that the Licence for the building of a Cinema may be refused, and that the site may be acquired by the Government for a Girls' Hostel.

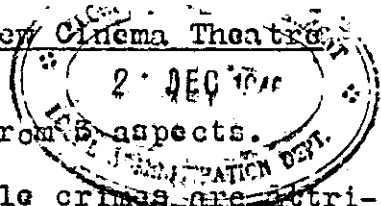
I have the honour to be,

Sir,

Your most obedient servant,

A handwritten signature in dark ink, appearing to be 'M. L. B.' or similar, written in a cursive style.

Some Remarks re the opening of the New Cinema Theatre.



The question may be considered from 5 aspects.

I. Cinema theatres:-Many of the juvenile crimes are attributed to the influence of the cinema. It is therefore necessary to appoint censors before a film is shown. One alone for the Metropolis is insufficient as conditions of social life may not be the same in Madras and other cities in the Province. It would be advisable for each city to have its own censors drawn from the principal communities of the city, which will conduce a good deal to the harmony between the members of the various communities.

II. The Location of the Proposed Cinema.

1) The posters will not have a salutary effect on boys and girls, and as the Cinema is on the way to the College and is next door to the Girls Training School, it will serve as a strong temptation to the boys and girls to frequent the shows even at the sacrifice of their class especially when matinees are given.

2) The site is situated at the junction of 4 or even 5 roads, and therefore the place is one where there is a large traffic.

3) One of the roads coming down from the College Hill is a steep one, and the boys coming down on byke will be considerably hampered by the crowding of people in the neighbourhood of the Cinema. This may be the cause of serious falls from the byke causing injury to the rider and to the pedestrian. Pretty often there are cars on the road down the hill, and it is not necessary to add to this inconvenience.

4) On the top of the hill there is a public library and an incipient park and it is desirable that the access to it be as free as possible from congestion on the road.

5) The Cinema will be next door to the Nursing Home which caters to the needs of all communities, and from this point of view is objectionable

III. The site is a central place of the town and if the Government were to acquire it, it could be put to ~~any of the~~ use of some of the many activities of Government for the benefit of the general public.

G. Albuquerque
St. Aloy College
Mangalore



To

The Hon'ble the Minister for Local Self-Government.

From

Dewan Bahadur P. C. Lobo.

Sir,

With reference to my petition dated 14-8-1946 which was presented by me in person to you at your office at the Secretariat, Fort St. George, I beg, in pursuance of your permission, to inform you that the Municipal Council by a majority of 13 against 7 have rejected on 2-9-1946 the two appeals filed by my daughter Dr. (Miss) Lucy Lobo, viz., the appeal dated 8-7-1946 against the approval of the site by the Town Planning Committee for the construction of Cinema House by the Karnataka Theatres Company, notwithstanding the reasoned dissent of its President and the appeal dated 23-7-1946 against the order of the Commissioner approving of the site for the same purpose. I enclose a certified extract from the Proceedings of the Municipal Council.

Of the 23 Municipal Councillors that were present, the Chairman and 2 Hindu councillors remained neutral, whereas, ^{as} against all the 7 Christian councillors who voted in favour of the appeal, all the 13 Hindu and Muslim councillors voted against them. Among the 7 Christians ~~were~~ the Vice-Chairman Mr. G. B. Lobo, B.A., B.L., and the President of the Town Planning Committee, Mr. M. S. Sreshta, Retd. Member of the Ceylon Civil Service. My daughter's Vakil was Mr. P. D'Souza, B.A., B.L., standing Vakil for the Municipal Council. I understand that within 48 hours, 3 dissenting minutes have been sent to the Chairman by Messrs. C. L. Lobo, M. S. Sreshta and John Gonsalves. *Attention is invited to S.O. 3 (4) Dt Municipal Belotia Act read with ss 4 to 6 of the Belotia Act. Report Act.*

I pray⁽¹⁾ that a report may be called for from the Collector about the action taken by him on the three dissenting minutes under the District Municipalities Act and the Places of Public Resort Act; (2) that the Government be so good as to exercise its controlling authority, not merely in the private interests of the Maternity Nursing Home that has been functioning for over 2 years and half since January 1944 in the interests of all classes, but more especially in the Public interests of the residential and school and college locality, and (3) that pending such action, the Executive Authority may be directed to withhold "permission to construct" a Cinema House.

I have the honour to be,

Sir,

Your most obedient servant,

A handwritten signature in dark ink, appearing to be 'K. L. B.', is written below the typed name.

EXTRACT FROM THE PROCEEDINGS OF THE MANGALORE MUNICIPAL
COUNCIL, DATED 2ND SEPTEMBER 1946.

X
Resolution No. 13.

C3/8155-46 - Appeal petitions dated the 8th July 1946 and 23rd July 1946 from Dr. Miss Lobo, against the approval of the site by the Town Planning Committee for the construction of a Cinema House in T. S. No. 168 of 15th ward by the Karnataka Theatre Company and against the order of the Commissioner, approving the site for the construction of a Theatre in the above T.S.No. 168 of 15th ward with the file of connected papers.

X
Heard Mr. P. D. Souza, B. A. B. L., Vakil for the appellant and Sri B. Vaikunta Baliga, B. A., B. L., Vakil for respondent in both the appeals. When the arguments on both sides were concluded and Sri M. Mukunda Nayak was about to speak. Mr. C. L. Lobo, Vice-Chairman raised a point of order, namely that whether the members of the Town Planning Committee could take part in discussion and vote in connection with this appeal. Chairman ruled that the members of the Town Planning Committee can take part and vote in the above appeal by virtue of their being members of Municipal Council.

After considerable discussion the question if the appeals are to be allowed or rejected was put to vote. 7 voted for allowing the appeal and 13 against. 2 remained neutral (Messrs B.G. Das and M. Ramappa). Chairman did not take part. The Chairman then declared that the appeal failed and therefore rejected.

X
sd/ H. Hoozien Sahab

CHAIRMAN, M.C.

No C.A. 196/46--47.

True extracts granted to Dr Miss L. Lobo as per her application dated the 4th September 1946.

Municipal Office, Mangalore,)

Dated the 5th Sept. 1946.)

Typed by: *[Signature]*

compared by: *[Signature]*

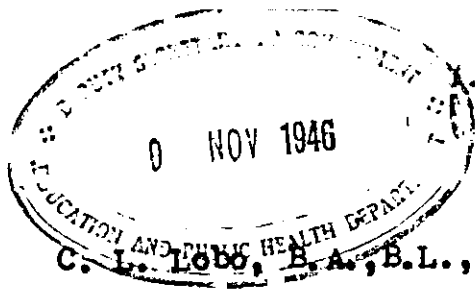
[Signature]
Commissioner,
MANGALORE MUNICIPALITY.

[Signature]
579, 46

[Signature]
578, 46
[Signature]
574, 46

ser-2-P.H.
17
2-11-46

From



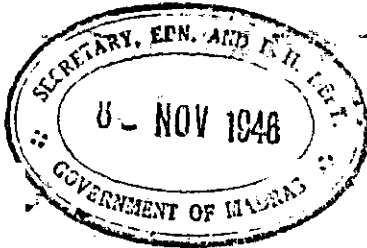
C. L. Lobo, B.A., B.L., Vice-Chairman, Municipal Council,
Mangalore.

To

The Chairman, Municipal Council, Mangalore.

S i r,

68305



Sub: Council's meeting dated 2-9-1946 - Agenda -
Item No.13 - (1) appeal petitions dated 8-7-1946
and 23-7-46 from Doctor-Miss Lobo and (2) objection
petitions from the public, against the approval of
site by the T.P. Committee and the Commissioner and
grant of licence for the construction of a Cinema
by the Karnataka Theatre Company in T. S.No.168 of
the 15th Ward and the file of connected papers -
Council's decision rejecting the appeals and
objections.

My Minute of dissent.

Public interest, public health and protection of the
morals and welfare of the student population urge me to forward
this minute of dissent against the decision of the Council - 13
members only voting for and 7 members voting against the loca-
tion of the Cinema at the site in question, 3 members including
the Chairman remaining neutral, this being the only case in the
history of this Council where personalities were brought into play
and 13 members out of 28 (which is the strength of the Council)
armed themselves together against the appellant Dr. Miss Lobo
(because she was a Christian) and treated with contempt the
objections of several public institutions and hundreds of res-
pectable citizens, including the heads of institutions, Doctors,
Lawyers, landlords, and the parents and guardians of School
children of all the communities of the kind. When voting was
being done, one out of the above 13 Councillors openly remarked
'only the seven Christians are in favour of the appeals and
objections'. The Chairman pretended not to hear it. And when
it was brought to the notice of the Chairman, the Chairman only
smiled and remained silent.

The appeals in question were against the decisions of

the T.P. Committee and the order of the Commissioner, approving the site for the Cinema. Neither the T.P. Committee nor the Commissioner had any authority to entertain the application from the Company. Under the Places of Public Resort Act, 1888, as modified up to the 10th August 1939, the application ought to have been made only to the Chairman of the Municipal Council under Sec. 5 of the Act. The Chairman alone was competent to grant or refuse the application after inspecting the site and after hearing the objections, if any (vide Secs. 6, 7 and 9 of the Act). The position was emphasised and brought to the notice of the Chairman at the meeting. But the Chairman only smiled and remained silent. The Chairman was particularly requested at least to make a statement expressing his views on the subject, as he was one of the neighbours residing close to the site in question and the Chairman's only statement was 'I leave it to the Council'. When the members of the T.P. Committee, were anxious to support their decision, a point of order was raised, that the members of T.P. Committee including the Chairman who was also a member of the T.P. Committee, could not take part in the discussion and voting at the meeting of the Council, as the appeal was against the decision of the T.P. Committee, the Chairman ruled that the members of the Committee could take part in the discussion and also vote in this matter where their own decision was being questioned and appealed against.

The proposed site for the location of the Cinema is in the middle of several public institutions and in the midst of a thickly populated respectable residential area. There are very strong objections for the location of the cinema at the site, from the heads of public institutions, from all the neighbours and from the public of the town including Doctors, Lawyers and other professional men. There are mass petitions from the

residents of the locality and the parents and guardians of children of the town stating their objections that 'the Cinema will disturb the peaceful and quiet atmosphere of the place and will be a constant nuisance to everybody, both day and night', that 'it will attract large unwelcome crowds and will be a source of danger to school going children', that 'the minds and hearts of our boys, in particular of boys below the age of fifteen ~~it~~ must necessarily get deteriorated, imperceptably and steadily by the demoralising influence of the posters and the very ^{and} distractions which the proximity of the Cinema will provide', that it will be a source of disturbance and nuisance to the residents of the neighbourhood and the travelling public at the junction of the five roads' that 'it will cause distraction and annoyance to our girls attending the Govt. Training school for Women and whose gates and grounds are exactly opposite the proposed Cinema site', that 'our children return late in the evenings after games and sports, the Cinema will be a source of nuisance and disturbance on account of the large unwelcome crowds which will be forming outside the place not only to attend the shows but also on the pretext of attending the shows with an idea of causing mischief', that 'our girls have been able to go and return from school unescorted and the opening of a Cinema will make it a centre of the gathering of all undesirable elements of the town which will prove a source of disturbance, annoyance and nuisance to our girls and that there is every reason to fear that they will not be able to attend the school unescorted' that 'it will be a nuisance and danger to women and girls ^{going} ~~going~~ up the Light House Hill for recreation and fresh air' etc., The Secretary of the Indian National Youth has sent a resolution of its committee protesting against the location of the Cinema at the site as 'it will have a demoralising effect on students'.

The site in question is next to the Maternity Nursing Home of Dr. Miss. Lobo (appellant before the Council) which is the only one in the town with a resident Lady Doctor at its head and staffed entirely by women. Women of all castes and communities come freely to the Nursing Home for treatment and confinement. A

cinema abutting the Nursing Home premises will deprive the patients of the privacy, quiet and seclusion and it will be a nuisance and disturbance to the patients particularly during labour pains and in critical state, because of the inevitable crowds and noise that a cinema necessarily entails.

Rev. Father Rector and Principal of St. Aloysius' College, in his letter dated 10-6-1946 to the Municipality objects to the Cinema on the ground that the Cinema will be a "source of serious disturbance and distraction to students of the College particularly when shows are held on working days and during class hours, with no small detriment to their studies.

The Superintendent of the Govt. Training School in her letter dated 5-6-1946 to the Collector complains that the Cinema 'will be a nuisance to school girls'. The Collector in his endorsement N.Dia. 2407-46 to the Municipality states that the objections of the Training School Superintendent should be considered before grant of licence, under the Places of Public Resort Act.

The Inspectress of Girls Schools VI Circle in forwarding the objections of the Superintendent to the Commissioner has strongly objected to the grant of permission to the Cinema at the site, 'as it is bound to effect the school adversely in more ways than one', and she hopes that the protest from Educational institution will receive the consideration it deserves.

In spite of the above objections from the public, the Commissioner and the T.P. Committee ^(President dissenting) approve the site for the Cinema and the 13 learned members of the Council in order to ^{oblige} ~~oblige~~ one single individual or company, resolve to force and thrust a Cinema on the public at the site which is declared by the entire

public, - Hindus, Muh

Protestants, - of the

town, to be objectionable and a source of danger and nuisance to public health and public morality.

The objections put forth by the public are really serious ones. It is humanly impossible to meet them by any kind, sort of structure or machinery, however improved or perfect it may be. The Commissioner, the T.P. Committee and the 16 learned members of the Council including the Chairman have failed to realise the nature of the objections and the gravity of the situation. It is hoped that the higher controlling authorities will duly consider the various objections and this minute of dissent, when this matter of public importance comes up for consideration.

Mangalore,)

D/- 4- 9- 1946.)

(sd) C. L. Dales
W.C. Chairman
M.C. Mangalore

Mangalore, 30th October, 1946

To

The Hon'ble Education Minister
to the Government of Madras.

Respected Sir,

We, the citizens of Mangalore beg to represent, as under:-

The management of the Kanara Theatres Ltd., Mangalore has purchased T.S.No.168 in the 15th Ward of this town for the purpose of building and running a cinema theatre on the site. The said site is just opposite to the Government Training School for Women and children on one side and a Maternity Nursing Home, (run by Dr. Lucy Lobo) and the Mahila Sabha (Ladies Club) on the other. The establishment of a theatre just at this junction of two important cross roads and in close proximity of the above-said ladies' institutions is not in the interest of such institutions or to the public at large. In spite of strong protests from the public, the Mangalore Municipal Council sanctioned the construction of the theatre, by a narrow majority of votes, thus deeply hurting the feelings of the public.

3. The proposed site, further, is just on an important thoroughfare to, and in close proximity of, the St. Aloysius' College. The running of a cinema at the place will be a positive distraction to the student public. All the above said institutions of very long standing. It is a great hardship and a nuisance of a very bad type to the students, patients and ladies, once the theatre is allowed to establish itself there.

4. We have no objection to the utilisation of the said site for any residential purposes, or public offices or better still, for housing an hostel for the staff and students of the Women's Training School. We understand that the acquisition of the above said site for the last-mentioned purpose is under consideration of the authorities concerned. We may submit that such acquisition may be made early enough, at least before the Company makes any capital expenditure on the site. *As this is the only site near the school when the school needs room for expansion.*

5. We regret to note that the management of the Kanara Theatres Ltd. has given a communal colouring to our protestations against the proposed construction of a theatre. We may explain that it is only a device to serve their own ends and that it is absolutely false. We have no objection to the site being used as anybody's residential quarters; but we only object to its being converted into a breeding ground of nuisance.

6. Finally we pray that the Hon. Minister may be pleased to make a personal inspection of the locality and satisfy himself as to the truth of the statement made herein.

Requesting your early and favourable orders on the subject,

We beg to remain,
Respected Sir,
Your most obedient servants,

Lily Lobo.
Esther Soans,
Mary Brito.

E.V.P.H.
F2

May be added to the
main file.
12.11.46
11/11/46

From

The Karnataka Theatres, Ltd.,
"Jayant Building,"
M a n g a l o r e .

To

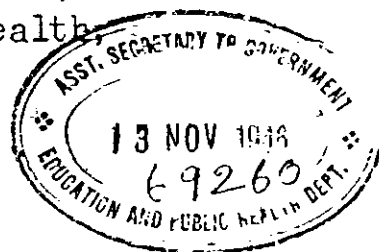
The Hon. Mrs. Lakshmipathi, B.A.
Minister for Health,
Government of Madras,
M a d r a s .

Sir,

We beg to introduce ourselves as a public limited liability Company. The Company had been incorporated in October 1945 with the primary object of promoting the film industry and particularly to construct and own picture houses both in urban and rural areas of the District.

In pursuance thereof the Company has purchased four sites in the district roughly at a cost of one lakh of rupees.

The site at Mangalore has been acquired at a cost of about Rs62,000. Immediately thereon, the company applied to the Municipality for permission to build the theatre. While the application was pending inquiry, one Dr. (Miss) Lobo, the owner of the adjoining compound, who has a private nursing home with three or four beds, called on the Secretary of the Company with a request that the Company may sell to her 1½ cents of land abutting and projecting into her compound with a view to round off her compound. Negotiations failed and then it is that Dr. (Miss) Lobo filed her objections to the Municipal Council and went round canvassing support from the residents of the locality. Departmental inquiries over, the matter was posted before the Town Planning Committee who having heard lawyers on either sides and as well as the other objectors including the objection filed by



the Principal of the St. Aloysius College, finally approved the site for the construction of a theatre by a majority of 4 to 1.

As against this order Dr. (Miss) Lobo filed an appeal to the Municipal Council. The Municipal Council after reviewing the entire matter and giving opportunities to lawyers to argue on both the sides finally rejected her application and confirmed the earlier decision of the Town Planning Committee by a overwhelming majority 13 to 7.

Dr. (Miss) Lobo had also filed several petitions before the Collector of South Kanara who after departmental inquiry has, we understand rejected her applications.

The entire agitation has been engineered and sponsored by Dr. (Miss) Lobo for the simple reason that she has not been able to secure the 11½ cents of land from the Company.

Right from the beginning Dr. (Miss) Lobo has been trying to give the whole matter a communal twist, as is evidenced from the fact, that both in the Town Planning Committee and in the Municipal Council only the Catholic members voted against the issue of licence to the Company, while all the members without exception belonging to all castes and creeds, Muslims, Gowd Saraswats, Brahmins, Bunts, Billavas and Harijans voted for the issue of the licence.

Now we understand that the Rector of the St. Aloysius College has sent up a Memorial to the Government as against the order of the Municipality. The Rector's objection were fully considered by the Town Planning Committee and reviewed

by the Municipal Council. We are led to believe that the present objections at this late stage by Rev. Fr. Rector of the Aloysius' College, has been engineered by the same Dr. (Miss) Lobo, whose family is not only the donor of the College site but also a very influential member of his community.

The statement by Fr. Rector that the Theatre compound is hardly 50 yards from his Hostel is not correct. Besides the said proposed Hostel Building which at best could accommodate 10 to 15 students was acquired by the College authorities long after the site for the theatre was approved. In fact the main College Hostel buildings are on the other side of the hill about 3 furlongs away from the Theatre site.

The fact that the Rector has not cared to object to another theatre which is now under construction, hardly 60 yards away from the main college hostel on the Karnad Sadashiva Rao Road, would also bear out our statement that the objections raised are baseless and inspired.

-- While the Bishop of Mangalore has not objected to^{Theatre on} Karnad Sadashiva Rao Road, even though it is hardly 50 to 60 yards from Kodialbail Church, it is strange that Basel Mission Church people, whose chapel is over 2 furlongs away from the proposed theatre should object, when as a matter of fact their chapel is hardly 20 yards from their huge Printing Press and Hosiery Factory where over 500 people are employed.

The proposed Theatre is hedged in between the Commonwealth Iron Works on the one side and the Commonwealth Hosiery Factory on the other. In view of these facts, one wonders, how any objection could be raised

against the construction of the theatre on grounds of public health and nuisance. The plot in question is nearly 1½ acres and the proposed theatre would be a garden theatre, with vast open space all round. The site faces 5 main roads and it would facilitate traffic, however, congested it may be. Apart from this the Company has engaged the services of the well-known Madras Architect, Mr. L. M. Chitale, at heavy cost to the company for conceiving and constructing an ultra modern theatre acoustically perfect and with ideal sanitary conditions. We therefore beg to submit that the location of the theatre here would not only add to the beauty of the City but also cater to the needs of thousands of people living round about the place. A copy of the mass petition signed by the residents to the Collector of South Kanara is enclosed herewith which is self-explanatory. Utterances and Radio broadcasts by eminent men that cinemas are to be classified among the necessities of life and that they are social amenities that the State ought to provide for the masses are indeed matters for consideration. The government policy that all educational institutions should, if possible, have a picture house attached to the College are also matters for consideration. A sister Jesuit institution verily a bigger institution than the Aloysius College has a permanent cinema house in the Loyola College premises, Madras and one wonders why and how the Principal of the Aloysius' College could object to a theatre to be built about 2 furlongs away from the College.

A reference to Government Memorandum, Education and Public Health Department No.7922-3-F.2-P.H. dated 29-4-46 communicated on 29-6-1946 would clarify the position as to the rights of parties with regard to construction of theatres.

Both the Town Planning Committee, the Municipal Council and the executive authority, after careful consideration of all the various points involved have finally approved the site for the construction of the Cinema House. Any interference by the Government would mean an encroachment of rights and privileges of such democratic institutions and thus retard their progress in the right line.

Besides, investing Rs62,000 on land, the company in furtherance of the order of the Municipality approving the site has placed orders for necessary machinery at a cost of about Rs40,000 and made huge advances thereon. The Company in execution of their work, have demolished a pucca building on the site valued at not less than Rs25,000. Any interference at this late stage by the Government would result in a loss of Rs1,25,000 to the Company.

In the circumstances set out above and particularly in view of the fact that interference by the Government would mean heavy damages, we humbly pray that the Government may be pleased to reject all objections and confirm the order of the Mangalore Municipality.

We have the honour to be,

Sir,

Your most obedient servants,

M a n g a l o r e , }
22nd October 1946. }

FOR THE KARNATAKA THEATRE
For JANASO'S Ltd.
Managing Agents,

B. S. Srinivasan
Secretary.

22/10/46

To

The Collector and District Magistrate,
South Kanara,
M a n g a l o r e .

Sir,

We, the residents of Kankanady, Maroli, Padav, Kadri, Kodiyalbail and Attavar, beg to place before you the following facts relating to the construction of a Cinema Theatre in Balmatta, Mangalore, for sympathetic consideration and necessary action.

2. It is needless for us to submit, as Your Honour is already well aware that in Mangalore Town, the pioneers of Cinema Line have not been fair to us inasmuch as they have not so far thought of establishing even a single Cinema Theatre at a place convenient and within the easy reach of our localities, but were concentrating their attention in congested areas which are far away from our factories and residences. We venture to submit that besides the three theatres which are already running on the western side of the town, two more are under construction at places not very far from the existing ones.

3. We submit that most of the respectable citizens have moved to Kankanady, Kadri, Kodiyalbail and Padav villages on account of the incidence of Filaria and other epidemics such as plague, cholera, small-pox, etc. in the localities situated to the west of the roads converging north and south of Hampankatta junction.

4. We submit that nearly three-fourths of the population of Mangalore Town live in Kankanady, Kadri, Padav, Maroli and in portions of Kodiyalbail and Attavar villages situated to the north of Hampankatta junction. Further, Your Honour is already aware that most of the Handloom and other factories are situated in the abovesaid area and that these labourers are also having no recreation of

any kind except attending cinemas now and then. These labourers find it very difficult to walk over to the existing cinemas after their days' work as they are in some cases working or residing more than three miles away. Even if they do go, they find it very late when they return home after attending the show.

5. We submit that there are a number of hostels in the abovesaid area and these students find it difficult to attend the Shows in the existing Theatres as they have to walk the distance to and from the existing theatres or pay heavily for conveyances. We may also submit that more than half the number of lawyers reside in the abovesaid area.

6. Further, ladies and children in these areas have to forego their recreation as the conveyance charges now prevailing is prohibitive to attend the existing cinemas. Moreover, they also find it inconvenient to attend shows in those localities on account of heavy traffic and congestion.

7. We learn that the Karnataka Theatres, Limited, are thinking of constructing a Cinema Theatre at the junction of five roads in Balmatta and in our opinion there is no other locality so conveniently suited to us. The site for the location of the Theatre would be ideal viewing it from all aspects of the questions, health, traffic and proximity of distance.

8. Therefore, pray that you may be pleased to grant all such facilities to them as are necessary to expeditiously construct the cinema Theatre at the Balmatta corner.

/True copy/

Ranm

S.K. Collector's Office,
Mangalore dated 8-11-46.

From

J. R. Bett Esq., I.C.S.
Collector of South Kanara

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

11 NOV 1946
68176
Dissent - Mangalore Municipality - construction of a cinema house at the foot of the Light house hill, Mangalore - suitability of site - remarks submitted.

Ref: Government Memorandum No. 55404-F2/46-2 P.H dated 19-10-46 of the Education and Public Health Department, Madras.

1. The file containing the Municipal chairman's letter dated 5.9.46 and my predecessor's remarks on the minutes of dissent, is herewith submitted for favour of perusal and return.
2. I inspected the site approved by the Municipal Council for the construction of a cinema house at the foot of the Light house hill, Mangalore. The location of a cinema at the place would spoil the amenities of a pleasant residential area and be detrimental to the three existing institutions, viz the Government Training School for women, Dr. (Miss) Lobo's Maternity-Nursing Home and the Mahila Sabha (Women's Club) which require a quiet atmosphere and seclusion.
3. There is also the question of traffic. The site is at a corner where two roads enter a main road at an angle, and the main road in addition is one which has a good deal of fast motor traffic. It is not desirable to intensify the problem which already exists. I think the site is thoroughly unsuitable.

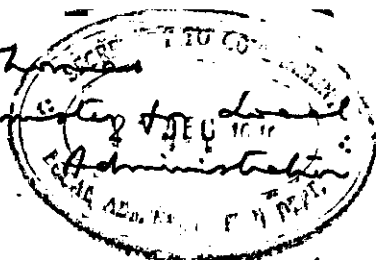
main file was circulated E. P.H. 11.
n (P.H.M.) on 7.11.46. 75
turn may be avoided. C. 15. 11. 46
11. 11. 46

Ghulam Kader

For Collector.

To Mr: Daniel Thomas

Honourable Minister for Local
Administration



Sir, Kindly excuse me the liberty
I am taking in addressing these for-
mies to you on behalf of the school
I am writing to inform you that
I have protested against the
erection of a cinema theatre very
near the school. The copies of the
protest were sent to the collector
of the District, the Commissioner of the
Municipality, the Inspector of Schools,
the District Circle etc. The Inspector
- the Director of Public Instruction
have also written to the Commissioner
& copies of those letters have been
sent to me -

I have also addressed the
authorities of the Education department
to acquire the place where the theatre
is proposed to be erected, for the

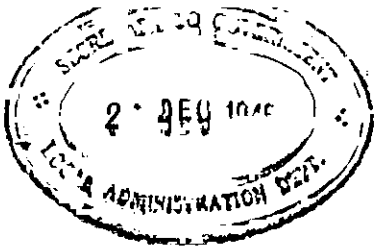
school & so that it may be used
for the hostel attached to the school.
At present the hostel is in a
rented building where the ~~accommodation~~
accommodation is not sufficient.
There are no quarters for the teachers
who come from outside. If a
cinema theatre is created in the
place, we shall not be able to
acquire the place for the school &
so I request you to be good
enough to see that no licence is
given for the creation of a theatre
so near the school.

Yours obediently

A. J. Jeyaraj

12.11.46

Superintendent
Govt. Secondary & Training School
for women
Mangalore.



Re: Cinema site in Mangalore.

The following papers are produced.

pp 111-117
a/c Paper No. 1. - Memorial from the Karnataka

Theatres Ltd. The points stressed by them are --

- (1) They have sunk a large amount of capital (Rs.62,000) for purchase of the plot.
- (2) They have ordered machinery worth Rs.50,000/-
- (3) They are not able to secure any suitable plot.
- (4) That they are putting up a construction which is sound proof. The cost estimated is 2 lakhs.
- (5) That the cinema site is most central and convenient for all. Ladies could come even without^{an} escort.
- (6) All parties have been heard and final orders passed in favour of the theatres.

pp 121-122
a/c Paper No. 2. -- Letter dated 12-11-1946 from the Superintendent, Government Secondary and Training School for women, Mangalore. She objects to the location of the cinema close to the school building. She also says that she has addressed the Education Department that the plot should be acquired for purposes of a ^{school} college hostel. She also says that at present there are no quarters for the teachers who come from outside.

Paper No. 3 -- This is a copy of a note of dissen from Mr. M.S. Shrestha, one of the members of the Town Planning Committee.

Paper No. 4 is a copy of the petition from the residents of the Mangalore town. They object to the location of the cinema at the site selected.

Paper No. 5 is a letter to the Hon'ble Minister from Diwan Bahadur P.C. Lobo dated 13-11-1946.

Paper No. 6 is a memorandum of objections submitted on behalf of the St. Aloysius' College,

Mangalore.

Over and above these written objections Mr. Bruchart had an interview with the Minister and strongly objected to the location of the theatre.

H. Dai
— *p.s.* 22nd 11/26

From

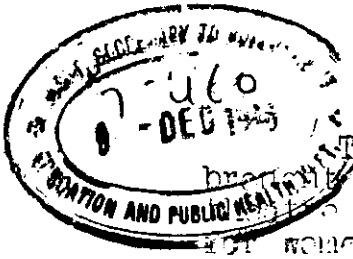
Dr. S.R.U. Sivar, M.A., D.Sc., I.T.S.,
Director of Public Instruction, Madras.

To

The Secretary to Government,
Education and Public Health Department, Madras.

Sir,

Government Secondary and Training School for women,
Mangalore - Proposal to erect a cinema theatre very
near the school - Objected to.



The Inspectress of Girls' Schools, VI Circle, Calicut has brought to my notice that there is a proposal to erect a cinema theatre very near to the Government secondary and training school for women and in the midst of a purely residential locality in Mangalore and that the question of granting the necessary licence therefor is now under the consideration of the Municipal Council, Mangalore. The Inspectress has already pointed out to the Commissioner that the location of a cinema theatre very near a girls' school is highly objectionable from various points of view and I have also written to him to see that the above proposal is not approved by the Municipal Council. No reply has so far been received from him.

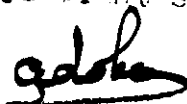
I am addressing Government at this stage as I feel that if the Council gives the licence and the party concerned begins the construction, it may be difficult to stop the work.

The gate of the property under reference is within 20 yards of the western gate of the Government Secondary and Training School for girls. It is on the way to the St. Aloysius College and hundreds of boys will be passing this way four times a day. A large number of girls going to St. Agnes College have also to pass this way. It is also within a 100 yards of the Mahila Sabha which is a social club for respectable ladies of all communities. It is understood that educational institutions, the Mahila Sabha and the residents of the locality have protested very strongly against the proposal to have a cinema in this purely residential locality.

Government will no doubt realize that it is highly undesirable to have a cinema in this purely residential locality and where the glaring and very often suggestive cinema posters will be exposed to the gaze of adolescent boys and girls of schools and colleges. Shops and restaurants will spring up in the wake of the cinema. Further, the blare of a band which is always a prominent feature of a musical cinema and the presence of idling undesirables who haunt the precincts before and after cinema shows makes it imperative that a cinema should not be established in this respectable locality and so near to the girls' school as its establishment will be very detrimental to the Government Secondary and Training School for girls.

I, therefore, request that pending the question of acquiring the property for the construction of a hostel for the training school Government may be good enough to instruct the Commissioner, Municipal Council, Mangalore to hold in abeyance the question of granting a licence for the construction of a cinema on the premises under reference.

I have the honour to be,
Sir,
Your most obedient servant,



For Director of Public Instruction

The main file has been sent to DA and Legal. on 4.12.43. This may be considered along with it on its return.

M.K. 7/12.

2/12 126/12/43

The Secretary to Govt
Education & Public Health
Kart St. George.

Sir,

I am sending herewith copy of a public memorial sent to the Hon'ble Minister for Public Health protesting against the approval by the Commissioner of T.S. 168 in the annexed plan for the erection of a cinema Theater.

We earnestly request you to consider sympathetically the plight of the women & children of Mangalore who will seriously suffer by the erection of a cinema house in the proposed plot & prevent the grant of a license. Thanking you.

Yours faithfully.

Ramabai A. Pandit.

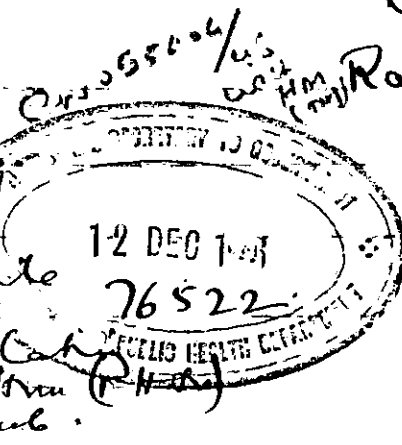
President.

Mahila Sabha.

9th December 1946

May be added to
the file
now in
Cine. Cntr.
to Govt.
& 12/12/46

E.S.P.H.



To
The Hon'ble Srimathi Rukhmani Lakshmiipathy,
Minister for Health,
Fort St. George,
M a d r a s.

Dear Madam,

Being highly aggrieved at the order of the Commissioner, Mangalore Municipality approving of the site T.S.No.168 in the accompanying plan for the erection of a Cinema, we beg to bring to your notice the following facts trusting to receive a sympathetic hearing

T.S.No.168 is situated in a purely residential area and is between the Government Training School for Women, the Mahila Sabha and the Glenview Maternity Nursing Home. All the three institutions sent protests to the Commissioner as soon as they heard that an application was made for approval of the said Cinema site. Objection petitions were also sent by the parents of girls attending the Women's Training School, parents of boys attending St. Aloysius' College and by the neighbouring residents. We heard that the Superintendent of the Women's Training School, the Inspectress of Girls' Schools, the Rector of St. Aloysius' College, and the Basel Mission Colony also sent in their protests to the Commissioner. We were shocked to find that all the petitions were ignored and the Commissioner passed an order approving of the site.

If a Cinema should be located in T.S.No:168 women and children will be the greatest sufferers. It will deprive them of the privacy and freedom they have hitherto enjoyed in going up and down the St.Aloysius' College road to the Mahila Sabha, Nursing Home and Ladies Club. It will also hinder them from going for fresh air to the top of the Light House Hill which is the only open space in the heart of the town where convalescent women and children have hitherto resorted to freely.

The Training School is separated from T.S.No:168 only by a road. The Cinema will be a constant source of distraction to the little children in the Women's Training School and a source of nuisance and danger to the grown up students. There will be absolutely no privacy in the school compound with a Cinema next door. Up to now all classes of girls have been going to and from school unattended but with undesirable people who inevitably loiter round a Cinema, parents will find it impossible to send their girls unescorted.

The Mahila Sabha also is separated from T.S.No:168 only by a road. The chief object of the Mahila Sabha is the uplift and education of women and young girls who have no other facilities for education. The building has also come to be used as the chief centre of the I.W.C.C. Its vast grounds attract ladies in the evenings for out-door games also. A Cinema facing this building will deprive it of all privacy. Ladies will not use it as freely as heretofore if the only road by which they can get there becomes the frontage of a Cinema with the attendant shops and stalls.

The Maternity Nursing Home has filled a long felt want. Dr. Miss Lobo is the only private lady doctor in the town. Her Nursing Home is the only private Nursing Home with a resident lady Doctor and it is staffed entirely by women. The confidence inspired by her and the privacy of the surroundings have induced women of all castes and creeds and even very orthodox Hindu and Muslim women to go to the Nursing Home to get treatment and antenatal care. The Nursing Home premises adjoin T.S.No:168 on two whole sides and the building itself is in some places within a few feet of T.S.No:168. The inevitable noise and commotion outside the Cinema Hall might after night will cause great disturbance to the patients especially during labour.

T.S.No:168 is at the junction of five road,
St.Aloysius' College Road ~~and~~ coming down at a steep gra-
dient. The Cinema show in the evening starts just after the
play hours at St. Aloysius' College. There is great risk of
accidents if a Cinema Theatre is located at this junction.

The ^{neighbouring} residents too are highly aggrieved at the
attempt to thrust a Cinema Theatre in their midst when it
will be a cause of nuisance to them and when no one wants
it except the share-holders of the Company.

Besides all the hardships that will be caused by
locating a Cinema in T.S.No:168 we beg to point out that
we have already in our town three theatres working and two
almost completed. A sixth Cinema is absolutely superfluous.

We respectfully suggest that the site may be acquir-
ed by the Government for a girls hostel which is badly need-
ed. The present rented building is too small and being far
from the school is inconvenient for the girls especially
during the heavy rains of Mangalore.

We request you most earnestly to inspect the site
on your visit to Mangalore when you will be convinced of
the authenticity of our grievances.

Trusting our petition will be sympathetically
considered,

We remain,

Your obedient servants

Mangalore)
)
3-11-1946.)

TRUE COPY OF SIGNATURES TO THE MEMORIAL
TO THE HON'BLE SHRIMATI HUKHMANI LAKSHMIPATHY,
MINISTER FOR HEALTH

1. K. S. Shanta Bai, Lady Suptd., Ishwarananda Mahila Sevashram, Kadri
2. Mrs. Krishnamoorthy, President, Ladies Club
3. Ramabai A. Pandit, President, Mahila Sabha
4. M. Lilabai, President, Bhagini Samaj
5. Lucy Sreshta, Hony. Secretary, Ladies Club
6. L. Lobo, M.B., B.S., D.G.O., Glenview, Nursing Home, Lighthouse Hill
7. A.L. Pinto, Rao Sahib, Retd. Dy. Collector & Landlord
8. N. Krishna Bhat, Advocate, Balmatta, Mangalore
9. A. Gonsalves, Lighthouse Hill
10. A. Srinivas Pai, Retd. Advocate, Lighthouse Hill
11. K. Mahalinga Bhat, Regd. Medical Practitioner, Balmatta
12. M. Kesava Pai Rao Bahadur, O.B.E., Retd. Civil Surgeon
13. S. Venkat Rao, Vakil, Lighthouse Hill, Mangalore
14. H. C. D'Souza, M.B., B.S., D.G.O.
15. K. Sivasini Boojary (Dwaraka)
16. M. Nalini Bai, B.A. (Dwaraka)
17. U.C.S. Bhat, B.A., B.L., Ex M.L.C., Dwaraka, Mangalore
18. M. Venkatesh Pai, Banker, Mangalore
19. K.P. Seshagiri Prabhu, Landholder & Banker, Karkal & Mangalore
20. E. Soans, Vice President, Bhagini Samaj
21. K.P. Ponnappa, Vice President, Mahila Sabha
22. M. Burckhaert, President, Y.W.C.A.
23. H. Rodrigues, Coffee & Cardamom Planter
24. K. Rajalakshmi Achar
25. A. C. Baillur, L.C.P. & S. Regd. Medical Practitioner
26. K. Fernandes, Partner, Electro Homeopathic Dispensary
27. J. Fernandes, Compounder, " " "
28. B. P. Udpa, Accountant, Popular Insurance Co., Mangalore
29. Rao Sahib F. Lobo, Retd. Dy. Collector, Mangalore
30. T. Gopalkrishna Bhat, B.O.L., Lighthouse Hill

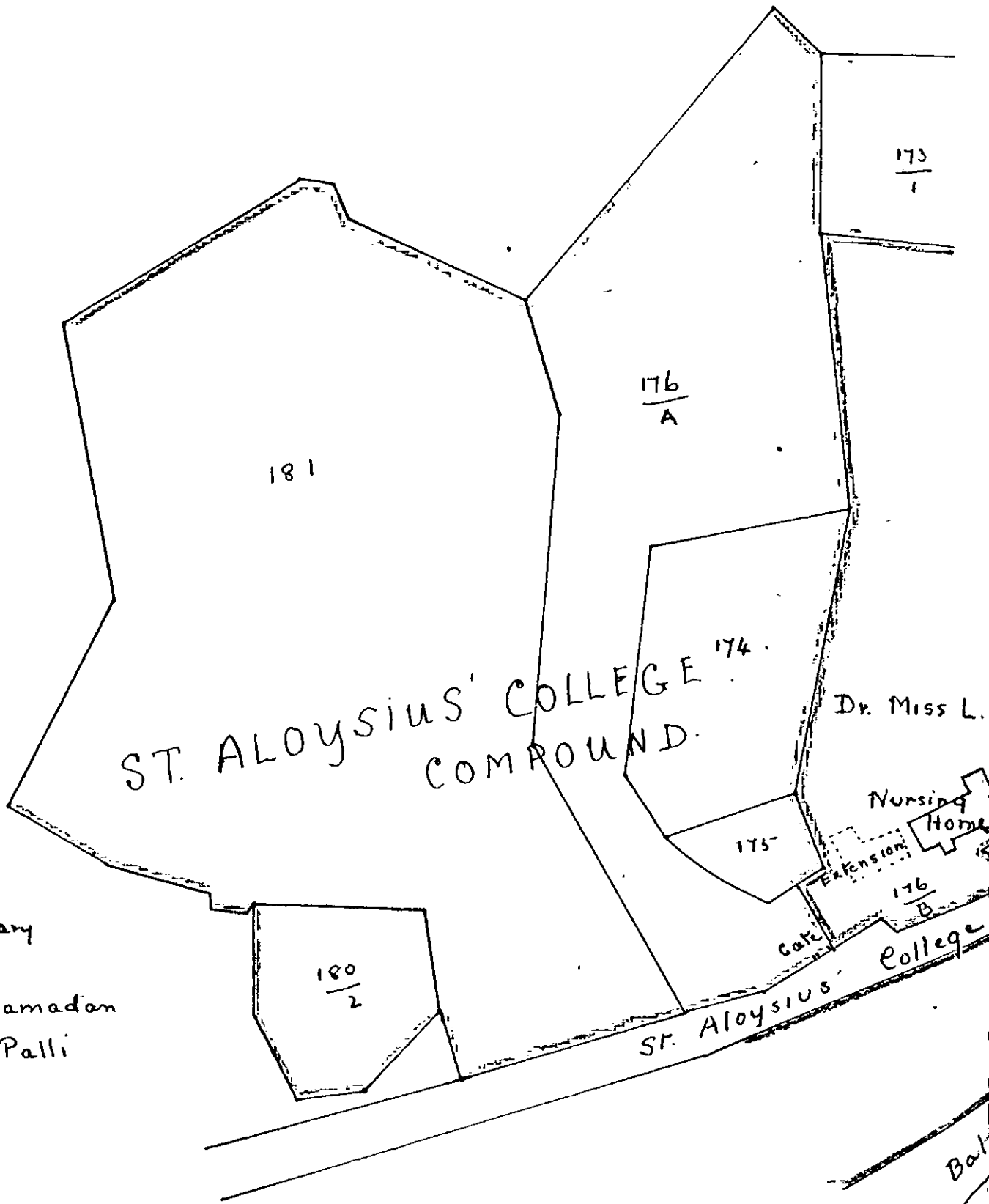
Sheet 2

31. N. Saraswathi (Mrs.Habbar)
32. C. N. Nemraja(Padival)
33. M. Leeladevi,
34. K. B. Jinaraja Hegde, Advocate, Ex.M.L.A.(Central)
35. P.Vasudeva Rao, Advocate, Bunts' Hostel Road
36. T.K.Abdul Azeez, Timber Merchant, Bunder
37. C.V.N.Pais, Manager, Kanara Timbers,Ltd.,Mangalore
38. M.M.Bava, Proprietor, Bombay Lucky Restaurant
39. N. Abu Bin Thandel Abdul Rahiman (Kannarese)
40. Ahmed Bin Ali, Bunder, Mangalore
41. R.Gupta, Merchant, Bunder, Mangalore
42. F.P.S.Albuquerque, Tile Manufacturer
43. Haji A. Bava (Hajee Abdul Khader Bava)
44. Dada Haji Ebrahim Halari
45. Devidas Girdarlal, Prop.Chandrana Bros
46. Vithalji Purshotam of Vithalji Madhavji
47. L. Rebello, wife of S.B.P.Rebello,Tile Manufacturer
48. G.L.Saldanha, L.D.Sc.
49. Mary S.Brito, Dist.Food Committee Member
50. P.S.Karnadkar,M.B.BS.,Regd.Medical Practitioner
51. C.T.Devasia, Manager, Palai Central Bank,Ltd.,Mangalore
52. J.C.Coelho, Retd. Superintendent,Stores Dept.,H.S.M.
53. J.Ramachander (Rao Bahadur) Dt.& Sessions Judge,Retd.
54. M.Annappa, Retd.Suptd.Imperial Bank of India,Mangalore
55. U.Laxumana Shenoy,B.A,L.T.
56. Greta Neri, Hony.Magistrate
57. B.M.Mboobaker, Merchant, Bunder,Mangalore
58. Peter Salvadore Rego, Weaving Factory, Kankanady
59. A.C.Mathai,M.A.,Sanyasigudda
60. K.R.Karunakar,B.A.,B.L.,B.D.,Chairman,B.M.District Church
S.Kanara & Inspector of B.M.Schools S.Canara & Coorg
61. P.F.X.Saldanha & Sons, Highland Coffee,Works
62. P.C.Lobo,Retd.District & Sessions Judge (Dewan Bahadur)
63. M.Chandramma (Dewan Bahadur Bangara's house)
64. M.G.Kamath, Falmir, Mangalore

Sheet 3

65. Muktha Panmit Guruprasad, Bendore
66. Nagar Shrinivas Rao, Merchant, Mangalore
67. S.C.Frank, Physical Instructor, St.Aloysius' College
68. M.Raghuvendra Pai
69. J.A.Pinto, Coffee Planter
70. P.N.S.Kamath & Co
71. N.Shrinivas, Merchant & Landlord, Hampankatta
72. T.Correa, Candle Garden
73. V.A.Nazareth, Coffee Planter
74. Benedit Heri
75. Alexander Correa, Merchant, Candle Garden
76. G. Correa, Merchant, Candle Garden
77. M. Vasudeva Nayak, S.K.N.House
78. V.Coelho, Asst.G.T.S.Mangalore
79. B. Vaman Shenoy (Prop.Ideal Jewellery House)
80. J.B.Braggs, Pensioner, Balmatta Road
81. N.M.Gopalakrishna Baliga, Retd.Sub Registrar
82. B.Ananda Baliga, Retd. Dy.Collector, Sturrock Road
83. M.V.Kudva, Merchant, Mangalore
84. G.B.Colaco, Sylvan Lodge, Kankanady, Mangalore
85. A.Vijayanake, B.Sc.London, A.M.I.C.E.(Ceylon)
86. S.Rajaram, Dental Surgeon
87. Thomas D'Souza, Jepuu, Mangalore
88. S.A.Furtado, Headmaster, B.E.M.High School,
89. C.P.Kamath, M.B., B.S., Hon.Asst.M.O.
90. Mrs.E.A.Pais, Babsvern, Balmatta
91. R.R.Talcherkar, Advocate
92. Mrs.I. Saldanha, "Martin Nest", Milagres
93. C.P.Monteiro, Secretary, Catholic Bank, Mangalore
94. M.B.Colaco, Treasurer, Catholic Bank, Mangalore
95. B.T.Soans, Photographer, Lighthouse Hill
96. P.Narayana Rao, M.B., B.S., L.O., Kadri Road
97. M.Nagappa Pai, Regd.Medical Practitioner
98. C.J.D'Souza, Builder & Contractor, Upper Bendore, Mangalore

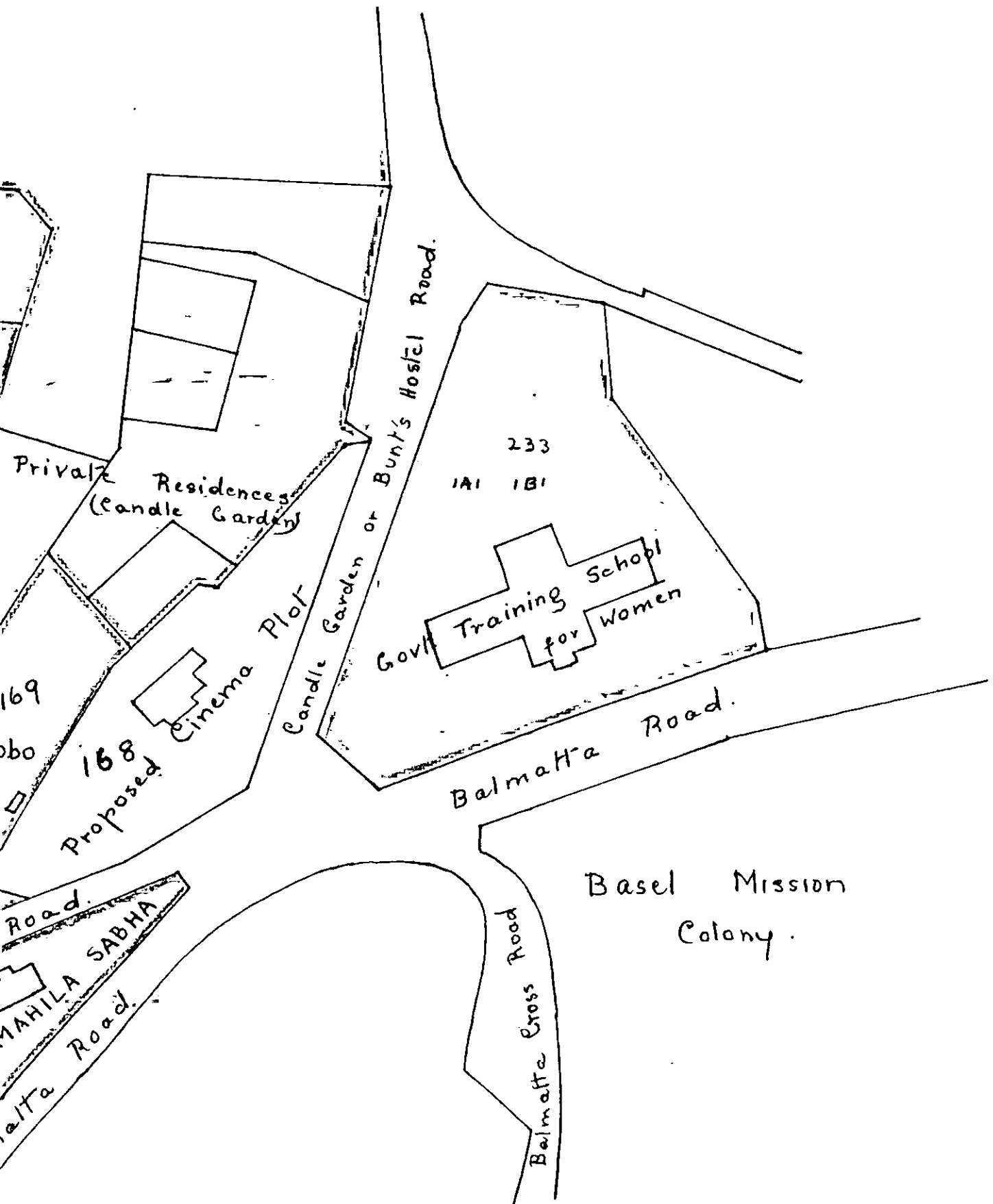
99. A. D'Souza, Retd. Telegraph Officer, Kankanady
100. J.M.Colaco, M.B., B.S., Radiologist, Fr.Muller's, Kankanady
101. S.M.Pinto, Coffee Planter, Virajpet House, Vas Lane
102. U.Kannappa, Retd. D.E.O., Mangalore
103. A.A.Saldanha, Coffee Planter, Bunts' Hostel Road
104. L.Mascarenhas (Mrs.W.E.Mascarenhas), Light House Hill
105. G.M.Tellis, Falnir, Mangalore
106. E.Fernandes, Jeppoo, Mangalore
107. U.Ramaraya Bhat, Bejai, Mangalore
108. K.Narayan Shenoy, Konchadi.



Public Library

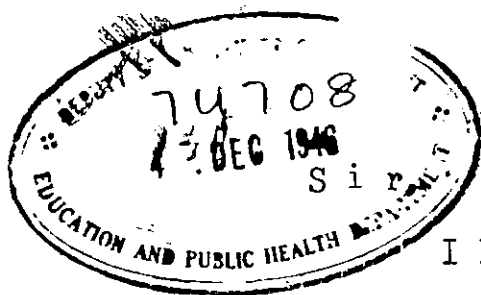
Mahamadan
Palli

Ladies Club



To
The Secretary To Government,
Education & Public Health,
Fort St. George,
M a d r a s.

From
Dr. Miss L. Lobo, M.B.B.S., D.G.O.,
Glenview Nursing Home,
Light House Hill,
Mangalore.



I have sent you a telegram asking you kindly to withhold licence for a Cinema proposed to be erected in the compound adjoining my Nursing Home. I have also sent petitions to the Hon'ble Minister for Public Health and the Director of Public Health.

Encl.

The Commissioner of the Mangalore Municipality has approved of a site T. S. No. 168 in the accompanying plan adjoining my Maternity Nursing Home for a Cinema Theatre.

I started the Nursing Home in the present building on Light House Hill as it is the healthiest and quietest place in the heart of the town. Women of all castes and creeds have freely used it as inpatients and outpatients. The location of a Cinema next to it will prevent orthodox Hindu and Muslim ladies from coming to the Nursing Home for treatment and especially for Antenatal care, and will be a source of great annoyance to the inpatients. The noise and commotion outside the Cinema night after night will disturb the inpatients for whom rest and quiet are so essential. The labour room especially is very close to the Cinema premises and the patients in labour will find the noise intolerable. It is being said that the Cinema will be sound proof but that will not prevent the noise of the band, vendors, crowds, etc. outside the Cinema Hall. The Cinema will also attract undesirable people who might enter the Nursing Home premises to

The main file has
consent to DA and
legal. This may
be added to it
with return.

Kv.

6.12.46.

✓
7/12/46

[Handwritten signature]
G. S. S. S.

cause trouble.

I am the only private woman doctor in the town and my Nursing Home is the only Maternity Home with a resident Doctor. The Nursing Home was started in December 1943. In April and May this year the Municipality gave two licenses for extensions to the building. In July i.e. within three months after issuing licenses for extension of the Nursing Home, the Commissioner disregarding the protests of all the women's and educational institutions in the neighbourhood passed an order approving site T.S.No. 168 for a Cinema. My appeal to the Council was rejected. I then appealed to the Collector. I have been informed that the papers have been sent up to Government. Hence I am appealing to the Government with the full hope that my grievances will be redressed.

One of the extensions which was nearly complete at the time I heard of the Commissioner's approval order in July has since been completed, but the work on the other extension was stopped in July as soon as I heard of the approval order.

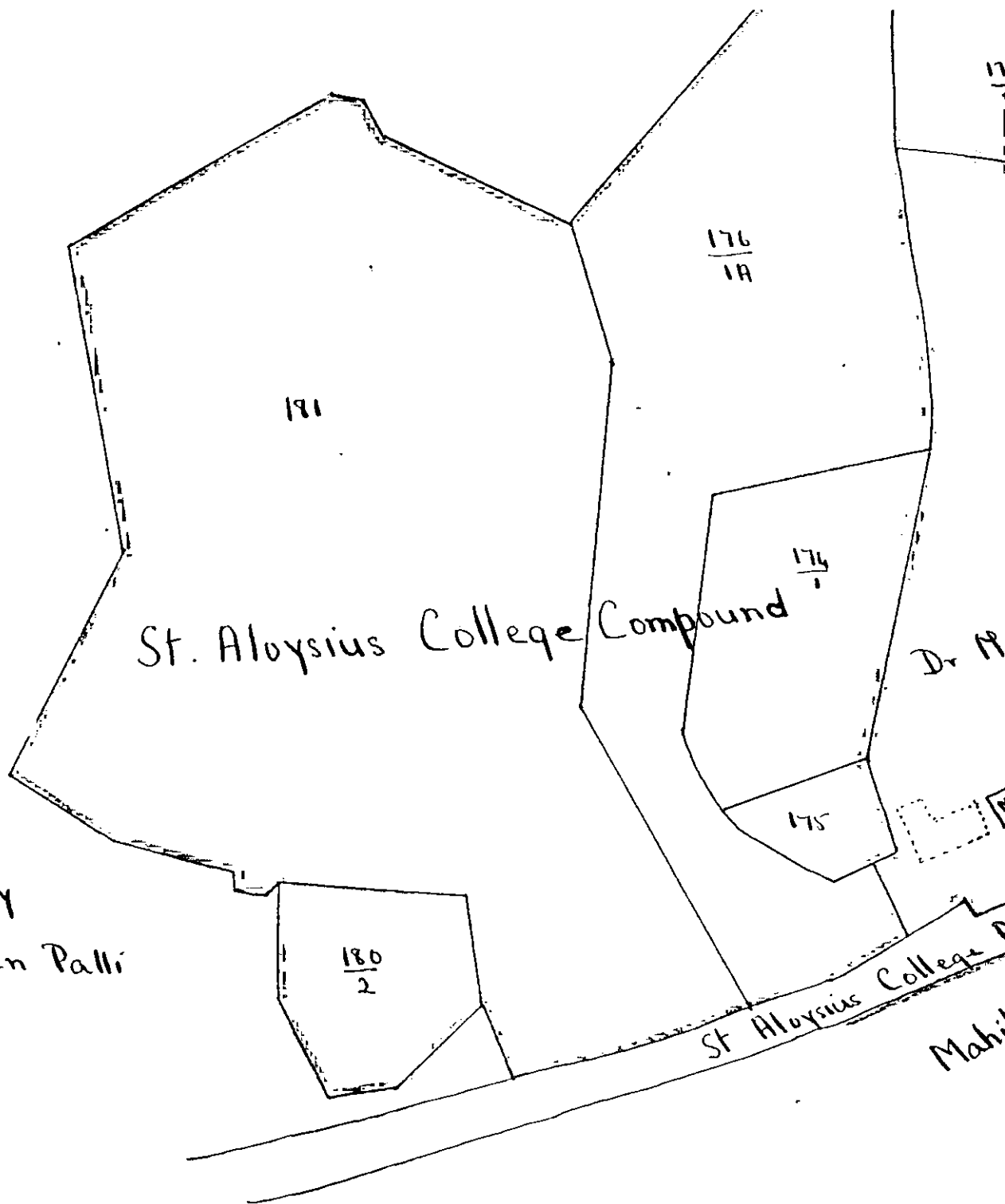
Besides the hardship to the patients who will be deprived of the medical aid they are used to, I too will suffer a great personal loss if the Nursing Home for which I have strived for so much has to be closed on account of the Cinema. It will also be a great financial loss to me as about Rs.15,000 has been spent on the building and equipment to bring the Nursing Home to its present state.

I request you to kindly consider sympathetically the circumstances mentioned above and refuse permission for the erection of a Cinema in T.S.No.168.

Light House Hill,)
Mangalore, 2-12-1946.)

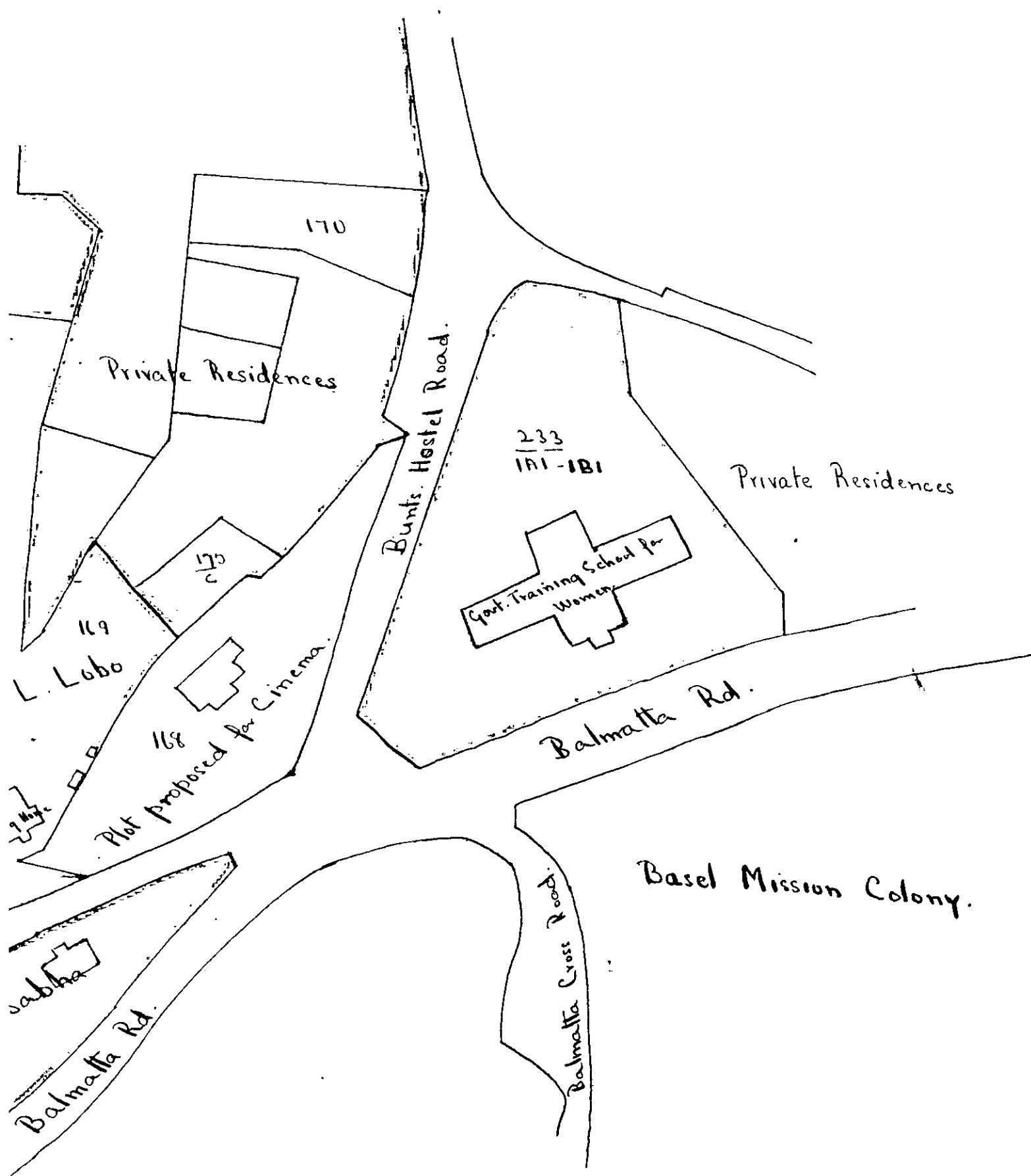
I beg to remain,
Your obedient servant,

S. P. Suba



Public Library
Mohammedan Palli

Ladies Club



From the Principal, St. Aloysius College,
 Mangalore dated 15.9.46.
 - The Commr, Mangalore mpty 23.12.55. 46d72.
 - The Karnataka Theatres, Mangalore d.
 - Mr. P. C. Lobo Mangalore d 14.8.46.
 - The Collector of S. Kanara Ray D. 4.10.916. 46d8.11.46.
 - The D. P. S. - Ray no 9678. C. B. 46 d 6.12.46.
 - Licence. Mangalore Municipality.
 - Construction of cinema house near
 St. Aloysius College - orders passed
 order 1256 O.H. 16.6.47.

The Commissioner, Mangalore
 Municipality has approved the site
 T. S. no 16.8 of the 15th Ward, Mangalore
 for the purpose of constructing a
 cinema house by the Karnataka Theatres
 Ltd and the Council has upheld

140

The action of the Council on appeal.
Certain representations have been made to ^{the C.C. and the} Govt protesting against the construction of a cinema in the site under reference. The Govt consider that ~~they have~~ ^{the} objections to ~~the proposed site for~~ ~~construction of the cinema~~

4/1/14
1/1/14

P 32 f

p. 100

may be ruled out with the necessity of appeal to the site may be given.

Kv
11.4.14

SD
11.4.14

Y
12.4.14

9.4.14

- ✓ The Special Officer
- ✓ & Commr Mangalore
- ✓ the Collector of South Kanara with file
- ✓ the D.P.G.
- ✓ the Principal S.D. Mangalore
- ✓ the

A 22nd 8155 / 46.
despatched to
Mangalore
23/4
Deho
with and
(copy to S)

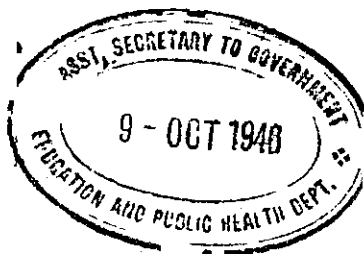
59945

~~11/11~~
F2 ✓

N.H.

To the Secretary, E.&.P.H.

I think this is a matter in which we should interfere.
To have a cinema adjacent to the Government Training School
for Women will make the atmosphere for the training school
not very desirable. The necessary Department may be
addressed immediately with a request that the permission
given to the cinema theatre in that place may be cancelled.



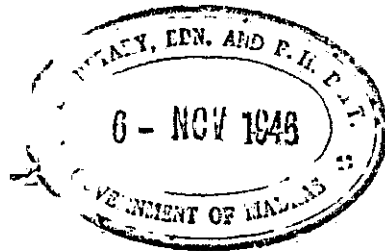
~~TSN~~ 8.10.48
H.M.Edn.

To the Secretary, E.&P.H.

C1

I understand that a representation has been received from some of the public that a theatre should not be built in a ground adjoining the Government' Women's Training School at Mangalore. This is evidently a representation against that plea. ~~This may be put up with~~ the necessary papers ~~and~~ submitted.

H.M.Edn.



TSA
6-11-46

E & P H
Fr

May be added to the
main file.

6-11-46

kv.
12-11-46

LAD

The ^{below} memorandum relates to the erection of a cinema theatre in the mangalore Municipality. This is for E.D.H. and may be transferred to that department. They may be requested to circulate the case to H.M.(L.A.) after examination

8/11/46

6-11-46

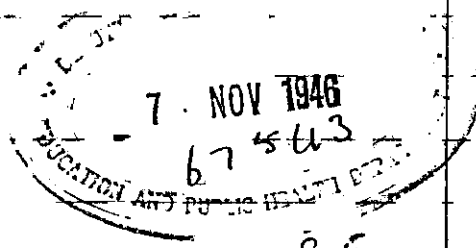
S/

11.11.46

E.D.H.

L.A. NO. 35566

7-11-46



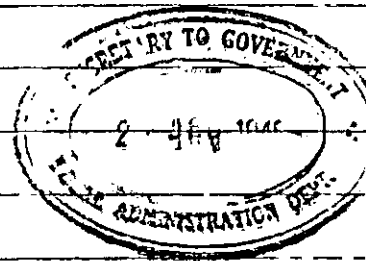
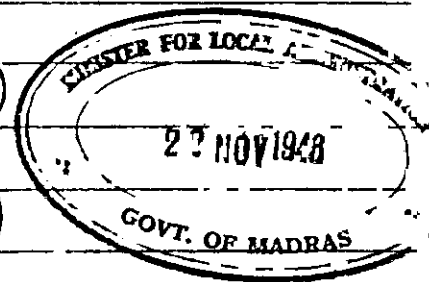
L.F.

P.L. are see the minutes of H.M.(L.A.) E.D.H. The file on the subject referred to above is linked below. The Collector of South Kanara has been asked to report on the suitability of site approved for the cinema show. This may be circulated to H.M.(L.A.) through

the HM (PH and M) for perusal. The report will be
examined in detail after the receipt of
the report is received.
7-11-46

There is no necessity for HM (P.H. & M.)
to refer the Collector's
report to HM (L. & A.) H.O. (L. & A.)
as the matter has to be
dealt with by the
Health Department.
However the report may
be sent to him for
perusal after orders
are issued by this Depart-
ment.

R.L.
10-11-46



Cinema Theatre in Mangalore
Municipality.

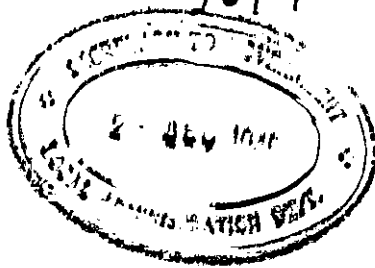
I had recently been to Mangalore and in the course of my tour various representations touching this matter have been made to me. All these representations are placed below. From what has been represented to me and from what I was able to observe on the locality it looks that the grant of licence may not be in the general interests of the public. The Collector's report is awaited. After the report is received and examined I should like to see the file before final orders are passed on the subject

For perusal

LG:-
19.11.46

67.

26/11/46



C.No.55404 F2/46.

From the Principal, St. Aloysius' College, Mangalore, dated 15-9-46.

61361 b7g

From the Commissioner, Mangalore Municipality, 23
No.C3/12255/46 dated 7-10-46.

Please see the minute of H.M. (Education) on page 1 ante.

On a petition from the Principal, St. Aloysius' College, Mangalore on the same subject dated 15-9-46, the remarks of the Commissioner of the Mangalore Municipality were called for. The Commissioner was also asked to forward the Municipal office file in original on the subject.

The Commissioner has forwarded his remarks together with the original Municipal file referred to. It will be seen that an application was received from the Secretary, Karnataka Theatres Limited, Mangalore, for the approval of site T.S.No.168 of the 15th Ward in Mangalore for the purpose of constructing a Cinema Show.

The Municipal Health Officer and the Town Planning Officer were satisfied as to the suitability of the site for housing a Cinema. The Town Planning Committee also considered the matter, as the land is situated within the Town Planning Scheme and the Committee considered several objections before approving the site for a Cinema show. The Municipal Council also considered the proposal and it heard the objections advanced against the proposal. The objections were overruled by the Council. It is stated that the minutes of dissent by three Councillors on the Resolution approving the site have been forwarded by the Chairman to the Collector with his remarks. The Collector's remarks on the subject have not been sent to the Government.

It is for consideration whether, before proceeding further, the remarks of the Collector of South Kanara may be called for urgently on the minutes of dissent. Subject to approval, a draft is submitted.

kv.
19.10.46

P. 1000

[Memo 55404 F2/46 2PM D 19.10.46]
From the Collector of South Kanara
Mababara Raj. B. 410916.
46 D 2.11.46.

Please see the minute above and

the report of the Collector, South Kanara on p 119 of.

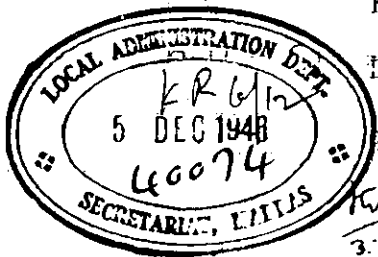
The present Collector of South Kanara considers that the location of the cinema at the foot of the Light House Hill Mangalore would spoil the amenities of a pleasant residential area and be detrimental to the three existing institutions - the govt Training School for women, Dr. Mindebo's Maternity Nursing Home and the Mahila Sabha (Women's club). He also adds that the site is at a corner where two roads enter a main road which has a good deal of motor traffic. Reference is also solicited to the minutes of HMF HM (Edn) and the minutes of HM & A on p 3 and p 7 ante and the note on p 123 of.

3. The M.L. Commissioner and the Municipal Council have approved the site for the construction of a building for cinema house under section 197 of the M.D.M. Act. The question for consideration is whether the construction of the cinema building should be prohibited, and if so, the resolution of the M.L. Council has to be cancelled under any ~~of the~~ clauses of section 36 of the M.D.M. Act. The approval of a site for the construction of a building may be refused only on the grounds enjoining in section 203 of the M.D.M. Act.

But it may be noted that the objection is mainly against the location of Cinema in the building already licensed by the Municipal Council. In ^{giving approval to the building for the} granting the licence for construction of a building for use of the Cinema House Messrs Karanataka Theatres Ltd., the owner of the building has been specifically informed that the above approval for construction of a building does in no way commit the Municipality to the grant of licence for the construction of the Building under the Building Rules or for the grant of any other permission or licences that may be required under any other rules or enactments for the time being in force for the running a Cinema etc.,

5 Under the P.P.R. Act the licensing authority for running a cinema is the Municipal Commissioner in the Municipality. Under Section 10 of the Act, if a licence is refused to an applicant, he may appeal to the Municipal Council either to grant or withhold the licence. Under the Section 12 of the P.P.R. Act, the Dist. Magistrates are authorised to call for an examined record of any proceedings under this Act, may call for any report in connection therewith, may make or cause to ~~report~~ be made any further enquiry, and may pass any order which the authority holding the proceeding might have passed.

6 In the present case it is for consideration whether, if the Govt. decides to ban the Cinema ^{shows} in the building of Karnataka Theatres in question, instructions will be issued to the D.M. South Kanara to take action under the Section 12 of the P.P.R. Act. The present D.M. (Mr. J.R. Bett) is against the holding of the Cinema on the site in question. Legal may perhaps advise before circulation.



3.12.48
JD
31/12/48
A

Respectfully submitted, I may kindly take up the matter under Sec 12 of the P.P.R. Act and deal with it. He may refer the matter to him for orders

B. H. New

LA / Legal

① 440 554074 12/6/48
4.12.48

LA Dept (E)

This Dept may agree with D.S. EPH that the D.M. himself may take up the matter under Section 12 of the P.P.R. Act. EPH may be requested to circulate the case to H.M. (CA) with reference to his minutes on p 7 ante.

The file may be passed on to Legal no.

12/12/46
13/12/46

13/12/46

S B
14/12/46

Legal.

14/12

Legal Dept

LA no
40074-1 E
14/12/46

0.13461
15-12-46

The no of

ASSISTANT SECRETARY
16 DEC 1946
LEGAL DEPARTMENT.

S. Corb. E.P.H.
16/12/46 E.P.H.

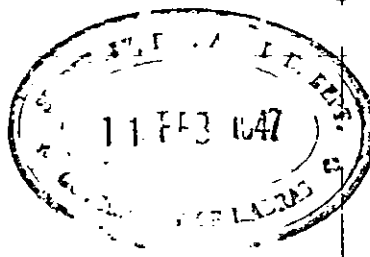
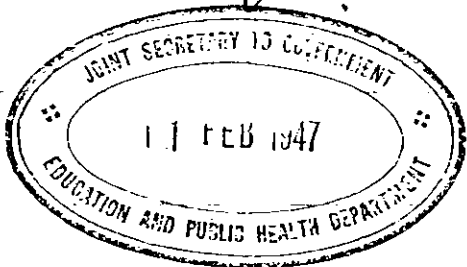
The file was returned from H.M. (PH) on 15/12/46. The file may be sent to Legal no.

Legal no. 10401-
16.12.46.

6.2.47

6.2.47. Legal

Legal Department may be requested to offer its remarks urgently as the question has been pending for a pretty long time. If orders are passed sanctioning the erection of the cinema the owner has to call for tenders & start the work before the monsoon sets in; hence the urgency. This may be treated as special.



R.L.
11-2-47

Please see the minutes of HM(PH & M)
on p12 ante. The remarks of Legal
may be invited as - vide JSS note
on p11 ante.

- K. -
12.2.47

12.2.47

12.2.47 Legal

Office 55464 Pz 5

Legal Department

12.2.47

It is seen from the papers in the file that what

has been done in this case is that the executive
authority has approved the site on an application
made under section 197 (1) (a) of the District
Municipalities Act. The only grounds on which such
approval could be refused are those specified in

section 203. It is presumed that none of those grounds
exist in this case. Hereafter, the party has to send a
further application for permission to execute the work
under clause (b) of section 197 (1), and an application
for a licence under section 7 of the Places of Public
Resort Act, 1888. When application under section 7 of
the Places of Public Resort Act is made, if there is any
objection arising from the situation of the building, it
is open to the executive authority not to give a licence
under section 7 of that Act. So far no application for
a licence under the Places of Public Resort Act appears
to have been made to the Commissioner. When such an
application is made and the executive authority passes
an order under section 7, there is an appeal to the
Council against the orders of the executive authority
under section 10, and revision to the District Magistrate
under section 12. But at this stage, as no application
under that Act is under consideration, it is not open to
the District Magistrate to take action under section 12.

ASSISTANT SECRETARY
12 FEB 1947
LEGAL DEPARTMENT.

ASSISTANT SECRETARY TO GOVERNMENT
18 FEB 1947
12868F
EDUCATION AND PUBLIC RESERVE DEPARTMENT

Legal n. 01522/47

18.2.47

18.2.47

S. 18/2/47. E & PH

Please see the note on pp 9-13 ante.

A letter from the D.P.O. against granting a licence for the construction of a cinema on the premises in question has been added to the file - p125g.

2 It will be seen from the opinion of legal on page 13 ante that it is premature for Govt. to give instructions to the D.M. under section 12 of the P.P.R. Act now when the party has not applied for a licence under section 7 of the P.P.R. Act & the proceedings up to section 10 of this Act (appeal) have not gone through. For order that the Govt. will communicate interim.

re may agree with legal
20.2.47

3 It is also for consideration whether in case, Govt. wants to interfere indirectly, a copy of the D.M.'s remarks to the D.P.O. remarks may be communicated to the Commissioner & he may be asked to exercise his own discretion in the matter when the party appeals to the

~~20.2.47~~ has for a licence under section 7 of the P.P.R. Act. Attention in this connection is drawn to the note on p 12 of Memo. 74959/F2/46 (W) of 29.1.47.

4 The file may be circulated to H.M. (P.H.M.) & H.M. (L.A.)

J.D.
20.2.47

5 All that has been done in this case is that the Executive Authority has approved the site for the construction of the Cinema building.

While granting this approval he has made it clear to the party that the approval of the site does in no way ~~constitute~~ ^{constitute} Council to the grant of a licence for the construction of the building under the

Building rules or to the grant of any other permission under any other rules or enactments regulating Cinema shows. Before the party can actually conduct a Cinema show he has first to obtain a licence for construction under the Building rules and then a license under the P.P.R. Act and under the Cinematograph act. None of these things he has begun to do as yet.

2. The power to grant or refuse licenses for the Cinema shows vests in the Executive Authority, the Municipal Council and the D.M. The Government by themselves have no power to grant or revoke a license. If, when Cinema shows actually begin, the present opposition still persists and if the Government consider that they should necessarily interfere, then they can informally persuade the D.M. to revoke the license in exercise of his powers under section 12 of the P.P.R. act. At any rate there is no case for the Govt. to interfere at this stage.

B
21.2.47

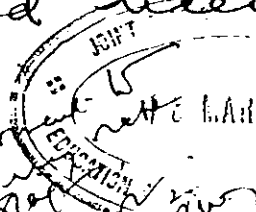
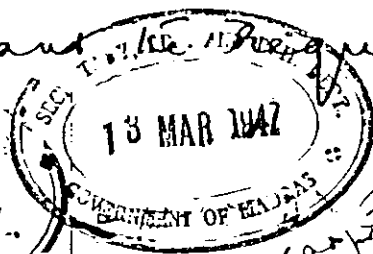
20.2.47. J.S.

The executive authority has approved the site. Legal says there are no grounds under sec 203 D.M.A to refuse approval. The Municipal H.O & the Town Planning Officer have approved of the suitability of the site. The Town Planning Committee and the Municipal Council heard the objections and ruled them out. The District Magistrate alone is of the opinion that the site will not be suitable for construction. The Cinema is expected to be sound proof and may not therefore interfere with the normal working of the Training School for Women. When the owners apply for a licence to build and for running the shows under the P.P.R Act the concerned local authorities may grant the required licences.

FOR LOCAL

25 FEB

GOVT. C



R-2
25.2.47.

No objection to the construction of the cinema hall on the site of the Training School for Women.

The file may be referred to
to H.M. (P.H.D.) for forward of H.M. (L.A.)'s
recommendation.

13.3.47. J/S.

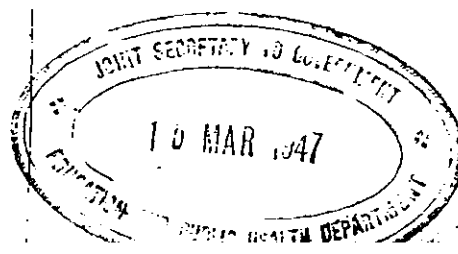
The site for the construction of
-tion of the cinema has been
approved by the authorities
concerned except the District
Magistrate. Since the Town Planning
Committee of the Municipal Council as well
as the Municipal Council have ruled out the
objections as to the location of the cinema at
that particular spot, the memorial of the
Proprietor of the Karnataka Theatres may be
treated as an appeal to the Govt. on the opinion
of the Collector that the site is not suitable.
I feel that the Govt. can interfere at this
stage direct the Executive Authority to
grant the licence for building the cinema
under the Building Rules & also the licence
to conduct shows under the Cinematograph
Act when the party applies for such
licences.

H.M. (P.H.D.)

H.M. (L.A.) may see & reconsider
his decision.

On reconsideration, I am with
H.M. (P.H.D.) that the Government may
interfere at this stage & direct the Executive
Authority to grant the licence.
14.3.47

R. L.
14.3.47



With reference to H.Ms' minutes recorded on the previous page, it is respectfully submitted as follows:-

Before the Proprietor of the Karnatak Theatres can actually begin the show he has to get

(i) Approval of the site under section 197-(1)(a) of the M.D.M. Act.

(ii) Permission for the construction of a building under section 197 (1)(b) of the Act.

(iii) A licence under the Places of Public Resort Act and

(iv) A licence under the Cinematograph Act.

(i) The party applied for approval of the site and the Executive Authority has accorded his approval. There were some objections to it but the Municipal Council over-ruled them and upheld the action of the Executive Authority.

(ii) It is not definitely known whether the party has applied for permission to construct a building. If he has applied, it is the Executive Authority that should grant the permission under section 201 of the Act. An appeal against his orders lies to the Municipal Council under section 322 and the decision of the Council is final. It may be pointed out at the same time that even the licencing authorities ^(the Council & the Govt) cannot refuse permission unless on the grounds specified in section 203 of the Act. If the Council refuses permission on any other ground then the Government can interfere and, if necessary, cancel the resolution of the Municipal Council under section 36 of the Act. *This is a matter for the*

(iii) The licence under the P.P.R. Act should be granted by the Executive Authority. An appeal lies to the Council. Over this, under section 12, the District Magistrate has powers to interfere and pass any orders he may deem fit. Even here the Govt. have no statutory powers to interfere.

(iv) This is entirely under the control of the Home Deptt.

2. As in this case the Collector has raised an objection on the ground that the site is not suitable H.M. (P.H. & M.) says that the petition of the Proprietor may be treated as an appeal to Govt. against the ~~opinion~~ opinion of

Appeals do not lie against opinions of P.H. & M. in respect made to Govt.
P.P. & M.

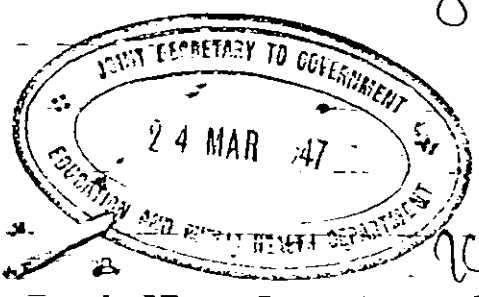
the Collector and that the Govt. can issue a directive to the Executive Authority, to grant the licence for building the Cinema under the building rules and also the licence to conduct shows under the Cinematograph Act when the party applies for such licence. When the Executive Authority and the Council have granted their approval ^{for the site} the question of an appeal does not arise. As regards permission for the construction of the building, a directive is ordered by H.M. (P.H. & M.) will be ultra vires the Act, unless the Council refuses permission on grounds other than those specified in section 203, when the Govt. can interfere. The matter has not come to that stage as yet. We have no information that the party applied for this permission or that the permission has been refused. As regards the licence under the Cinematograph Act we do not know when the party will apply for it. Even if it applies, it is not a matter with which E & P.H. Department is concerned. So, the best thing for the Govt. under the circumstances will be not to interfere at the stage. For orders.

B. 24

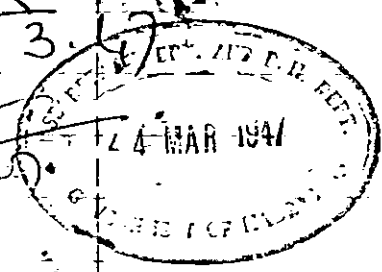
2.3.47 - 7/5 B. 24

The Govt approve the site orders may be issued accordingly

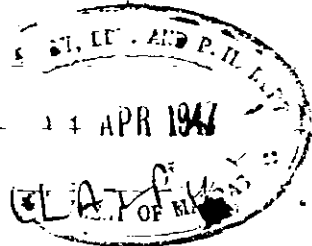
H. N. (P. H. M.) ✓
H. N. (H. 20) 43



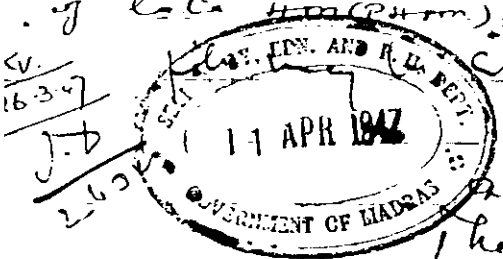
R. 2
22.3.47



Encl. PH -
F2



for orders as to the issue of orders of late H. N. (P. H. M.) alone or whether the circular to the press H. M. (P. H. M.)



This may be decided on the Kumar case. The file has been sent to the orders of late H. N. (P. H. M.) may be issued without further delay since this matter has long been pending.

B. 24

7/5 B. 24

Ex 1011
Fr

Please see the orders in
circulation on p. 18. and the draft
below is for approval:

km
11.4.07
51
11.4.07

12.4.07

g/s
11.4.07